

# Human Trafficking in the Sinai: Refugees between Life and Death



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Brussels/Tilburg  
26 September 2012



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Tilburg, Brussels, 26 September 2012

## Disclaimer

Due to security reasons and limited access to the Sinai region it has not been 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. Scientific research including data collection on the ground is required to verify the practices described in this report.

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This report is dedicated to all those who have perished in the Sinai.

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**Contents**

About the authors .....5

Acronyms ..... 8

Acknowledgements ..... 9

Summary .....10

Recommendations .....15

Chapter 1: Introduction .....16

    Background .....16

    Aim of the report..... 17

    Research questions.....18

    Methodology.....18

    Structure of report.....20

Chapter 2: Recruitment of refugees ..... 21

    The refugees ..... 21

    Reasons for leaving and destination ..... 23

    Smuggling .....24

    Abduction.....25

        Crossing the borders and the role of Rashaida .....25

        Around Shagarab camp ..... 26

        Within the camps ..... 27

        By professional guides into the Sudan .....28

    The recruiters ..... 29

Chapter 3: Human commodities exploited for profit.....30

    Sale of refugees.....32

    Mode of payment ..... 33

Chapter 4: Torture and death in the Sinai ..... 35

    Torture .....35

        Living conditions .....36

        Physical torture .....38

        Threats.....39

    Violence against women.....40

    Violence against children.....41

    Differentiated treatment based on religion ..... 42

    Deaths..... 44

        Torture resulting in death .....45

        Disposing of hostages who cannot pay..... 46



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Death resulting from retribution.....	46
Death, suicide and escape .....	46
Disappearances .....	47
Translators and collaborators .....	48
Chapter 5: Solidarity, humanity and life after Sinai.....	49
Solidarity among the refugees.....	49
Relationship with the Bedouins .....	50
Help from outside.....	50
Escape .....	50
Life after Sinai .....	52
Trapped between Israel and the Sinai.....	53
Policy in Israel.....	54
Chapter 6: Framing the refugee situation as human trafficking.....	56
Introduction.....	56
Legal framework for human trafficking .....	56
Relationship between trafficking and smuggling.....	57
Trafficking for the removal of organs .....	57
Application of the legal framework.....	57
Trafficking in persons for the purpose of debt bondage and forced begging .....	57
Smuggling that changes into trafficking for the purpose of debt bondage and forced begging .....	58
Torture used for forced begging .....	58
Torture and trafficking in persons.....	58
Torture not in the context of trafficking in persons.....	59
Trafficking in persons for the removal of organs.....	59
State obligations .....	61
Chapter 7: Eritreans entering the EU .....	64
Italy .....	64
Europe.....	66
Chapter 8: Recommendations.....	68
Images .....	69
Background information on resource people.....	72
Justification of data .....	73
Bibliography.....	74
Endnotes.....	78

## Acronyms

AACC	All African Conference of Churches
AP	Associated Press
CEAS	Common European Asylum System
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
COFS	Coalition for Organ Failure Solutions
CIDT	Cruel and Inhuman and Degrading Treatment
ECHR	European Convention on Human Rights
EEPA	Europe External Policy Advisors
EU	European Union
ICCO	Interchurch Organisation for Development Co-operation
ICCPR	International Convention on Civil and Political Rights
ICER	International Commission on Eritrean Refugees
ICESCR	International Convention on Economic Social and Cultural Rights
IDF	Israeli Defence Forces
NGO	non-governmental organisation
PFDJ	People's Front for Democracy and Justice (the Eritrean current ruling political organisation)
PHR	Physicians for Human Rights
UN	United Nations
UNCTOC	United Nations Convention against Transnational Organised Crime
UNHCR	United Nations High Commissioner for Refugees
WCC	World Council of Churches

## Acknowledgements

Many people were involved in the preparation of this report. The publication is co-authored by Meron Estefanos, radio presenter Radio Erena, and Dr Conny Rijken, Associate Professor (Universitair Hoofddocent) at the University of Tilburg. Meron Estefanos collected most of the interview material presented in this report and was also in charge of arranging the translations; Dr Conny Rijken, an expert in human trafficking, contributed her legal expertise on the issue and contributed to the various drafts. I (Mirjam van Reisen) coordinated the data analysis and compiled the final report.

We would like to express our gratitude to the translators: Bealfan T, Amanuel Asmelash and Idris MK. The authors would also like to thank Alganesh Fessaha, Father Mussie Zerai, Sigal Rozen and Dr Yebio for their support in sharing supplementary data.

We thank the students who organised the material: Guillaume Flament, Lien De Tavernier, Vincent Michel, Renata Iadevaia, Ahmed Mahmud Khan. We acknowledge the work of the staff of Europe External Policy Advisors (EEPA): Tommaso Atzeni, Georgina Hrabovszki, Filip De Keukeleere, as well as consultant Karin de Jonge. We thank Susan Sellars-Shrestha who was in charge of editing the report. Dr Daniel Mekonnen also provided important input. We express thanks to the Interchurch Organisation for Development Co-operation (ICCO) and the Rotary of Vilvoorde for their generous support.

Prof Dr Mirjam van Reisen, Professor of International Social Responsibility, Tilburg University (on behalf of Meron Estefanos and Dr Conny Rijken)

## Summary

### Human Trafficking in the Sinai: Refugees between Life and Death

By Mirjam van Reisen, Meron Estefanos and Conny Rijken

Tilburg University/EEPA, Brussels, 26 September 2012

This report describes the horrific situation of trafficking of refugees in the Sinai desert, a crisis that started in 2009. The refugees include men, women, children and accompanying infants fleeing from already desperate circumstances in Eritrea, Ethiopia and Sudan. An estimated 95% of the refugees held hostage in the Sinai (also referred to as hostages) are Eritreans. Smuggled across borders by middlemen, or kidnapped from refugee camps in Ethiopia and the Sudan as well as their surrounding areas, and then captured or sold, the refugees are held hostage close to the Israeli border in inhumane conditions and tortured for ransoms up to USD 50,000. A large number of the refugees have died, either while being held hostage or after their release – often even after their ransom has been paid. A large number of refugees simply ‘disappear’, killed while being held or shot by the Egyptian military guarding the border with Israel after release.

The aim of this report is to give the Sinai refugees a voice. Through the interviews we can hear their stories, and connect with them. It is hoped that this document will raise awareness among the broader public of the desperate plight of these people as a step towards stopping this crime. A second aim of the report is to contextualise these practices within the international legal framework, and, in this way, highlight the obligations of states and international organisations, including the EU, to take action against these practices.

This report examines the processes involved in the trafficking of the refugees (i.e., how the refugees are recruited, how they are transported to the Sinai including their routes, and the conditions under which they are being held) and the international legal framework applicable to these practices (i.e., whether or not these practices can be considered ‘trafficking in persons’, ‘torture’ or other).

The empirical evidence for this research consists primarily of recorded interviews with the refugees conducted mainly by Meron Estefanos (radio presenter for Radio Erena, which broadcasts from Sweden to Eritrea). A number of interviews were also conducted by others with resource persons and with former traffickers and accomplices of traffickers.

A total of 123 interviews are included in this research, from which 363 persons have been identified as being held hostage in the Sinai. Checks were made to identify duplication in the interviews (same person interviewed or referred to at different times), where possible. These include 5 children under 10 and 16 children between 10 and 18. Of these, 104 interviews were carried out with refugees, and primarily while they were held as hostages. This gives the interviews a particular characteristic. The interviews were translated into English where necessary, then analysed and categorised into a database to quantify information and identify patterns. To the extent possible, the findings were crosschecked with other empirical datasets, in particular, interviews carried out by Physicians for Human Rights, Israel with former hostages (which is based on a total of 1,300 interviews). However, due to limited access to the region, lack of funding and security reasons, not all information was crosschecked.

During their journey to the Sinai, the position of those captured varies; they might start as a smuggled person, a migrant or a refugee, but end up as a hostage, victim of trafficking and/or victim of torture. In this report, we refer to this group of people as 'refugees', which is defined in Article 1 a (2) of the United Nations Convention Relating to the Status of Refugees of 1951 as a person who, "for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion", is not in his country of nationality and is unable to return there. Although we have not investigated whether or not each individual being held in the Sinai falls within this definition, it is clear from the interviews that many of them, especially those of Eritrean origin, feel that they cannot return home safely.

Based on the interviews, the refugees being held hostage in the Sinai can be categorised as either:

- kidnapped (and subsequently sold or surrendered to Bedouins)
- smuggled (initially voluntarily, but then sold or surrendered to Bedouins)

Many of the refugees who are being held hostage in the Sinai were on their way to refugee camps or to a family reunion somewhere in Sudan or Ethiopia. The vast majority claim that their original destination was not Israel. A significant proportion report being kidnapped from inside a refugee camp, especially from Shagarab in Sudan or Mai Aini in Ethiopia. A number of refugees reported being kidnapped from the Eritrea-Sudan border. Some of them were taken by force while working in the area surrounding the refugee camp in Kessala, Sudan. A smaller number reported being kidnapped from Khartoum in Sudan, or on the way to Khartoum, and some from Cairo in Egypt.

The organisation of the kidnapping involves members of the Rashaida tribe in Sudan and Eritrea, as well as many Eritreans. The refugees are transported to the Sinai by car and then handed over to members of the Bedouin tribes, residing in the Sinai.

In many instances the refugees are exchanged (sold) several times, and often after their ransom has been paid. The trafficking generally consists of a combination of the following steps:

- Initial payment made by the refugee to be smuggled out of their country of origin
- Payments made by the refugee to guides en route to destination (refugee camps at Mai Aini or Shagarab)
- Abduction; payment demanded from refugee to reach a safe place (pretext)
- Sold on; payment demanded from refugee for the sale
- Sold on; payment demanded from refugee for the sale
- Ransom for release of refugee
- Sold on; payment demanded from refugee for the sale
- Ransom for release of refugee
- Release or death

Ransoms are being paid despite the excessive amounts demanded. Relatives sell their possessions, including houses and land, to come up with the ransom. Relatives in the diaspora in the West are specifically targeted. It is reported that the ransom is collected through a network of illegal financial transactions and transfers involving Eritrean middlemen. Transfers are usually made through Western Union and MoneyGram.

The large number of hostages originating from Eritrea is explained by a number of factors:

- the large Eritrean diaspora (with finances at their disposal) and their tightly-knit family/community structure, which makes ransoms easy to collect;
- the large number of Eritrean refugees and lack of alternatives for Eritrean refugees;
- the 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.

In the Sinai, the refugees held hostage live in the houses of the Bedouin families in dehumanising and humiliating conditions. The spaces are very small, often without light. The hostages are exposed to extreme heat from the sun and freezing cold temperatures at night. They are chained together without toilets or washing facilities and dehydrated, starved and deprived of sleep. They are subject to threats of death and organ harvesting, including through the death or killing of other hostages. The hostages are without recourse to medical assistance. Those who attempt to escape are severely tortured.

As reported in the interviews torture is carried out routinely and includes severe beating, electrocution, water-drowning, burning, hanging, hanging by hair, and amputation of limbs – and is often a combination of these. Children, even the smallest babies, are reported to have been beaten. Women are subjected to cruel rape or gang rape on a daily basis, in view of the other hostages. Women are also tortured in the company of their children, and children are tortured in the company of their mothers. Women are tortured while pregnant – and their pregnancies are often the result of the rapes they suffer. If they find themselves pregnant, women hostages are told that the ransom will double once their baby is born. Many hostages succumb to the torture. This torture can be functional as it takes place to extort the ransom from relatives, but it can also be gratuitous.

Human trafficking in the Sinai involves the commoditisation of people in which profit seems to be the only consideration. It is characterised by an extreme and excessive level of violence. The threat of organ harvesting and death is part of the pattern of torture regularly described in the interviews. The bodies of the dead are not buried, but thrown and left to rot in view of the hostages.

The hopelessness of the situation of the hostages often leads to a wish to die. Despite this, the report testifies to some courageous and generous acts by the hostages (and accomplices of the traffickers). Examples include (attempts to) escape, the collection of ransom for the weakest hostages and children, and care for those close to death.

Based on the definition in the trafficking protocol to the UN Convention on Transnational Organised Crime, it is widely recognised that 'trafficking in persons' consists of three elements: (i) the recruitment (including transportation, transfer, harbouring or receipt of persons) (ii) by means of threat or use of force (also including other forms of coercion, abduction, fraud, deception, abuse of power or position, etc.) (iii) for the purpose of exploitation. Although difficult to prove, exploitation as a motive is sufficient, while the coercive element of the definition relates primarily to the force used in recruitment. The relationship between smuggling and trafficking can be complicated, something that starts as a case of smuggling can turn into a case of trafficking in persons, or what appears to be a situation of smuggling can actually be a case of trafficking if the person is misled as to the intentions of the smuggler and is not aware of his/her aim to exploit.

Trafficking in persons for the removal of organs must be distinguished from the trafficking/trade in organs itself, which is also illegal if regulations are not followed, and which can follow a case of trafficking in persons for the removal of organs, but does not always. Looking at the medical care required for the transplantation of organs, and the fact that this has to take place within a very short time after removal of the organ, a sophisticated infrastructure (removal, preservation, transport and transplantation) is required for this form of trafficking in persons. Although reports indicate that the forced removal of organs takes place in the Sinai, further information and research is required to determine whether or not, and to what extent, trafficking in persons for the removal of organs is taking place in the Sinai.

Based on the human rights legal framework, the obligations of States in relation to trafficking in persons is framed in the 3-P paradigm: The **prosecution** (including the prohibition) of trafficking in persons, the **protection** of its victims and the **prevention** of this crime. For states to live up to their international obligations to combat trafficking in persons they need to take action on all three levels.

States that have signed the Geneva Convention can expel a refugee from their territory only on proven grounds of national security or public order, and only after due process of law. However, according to the principle of non-refoulement (or 'push-back') contained in 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 "life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". In brief, the principle of non-refoulement makes it illegal to forcefully return a person to a country where he or she faces persecution.

Another convention that is relevant in this context is the Convention Governing Specific Aspects of Refugee Problems in Africa, which was adopted by the Organization of African Unity (later the African Union) in Addis Ababa in 1969 and entered into force in 1974. This Convention is meant to supplement the Geneva Convention. Article 1 of the Convention reiterates the definition of refugee as defined in the Geneva Convention. This Convention confirms the principle of non-refoulement and establishes the obligation of states that ratify it to receive and welcome refugees who are unable or unwilling to return to their country of origin for the abovementioned reasons, to provide them with travel documents and to cooperate with the United Nations High Commissioner for Refugees.

This framework is relevant not only to preventing the human trafficking and torture that is taking place in the Sinai, but it also provides a framework of support for refugees after they are released. At present, the refugees who are released and the few that are able to escape face many challenges. If they reach Cairo they are put in detention centres and prisons to await deportation. Given that Eritrean refugees who are returned to Eritrea face imprisonment without trial, a few aid workers have tried to change the deportation destination to Ethiopia. Since the anti-infiltration legislation in Israel, the refugees are no longer admitted into Israel. A number of ex-hostages, including pregnant women and children, describe spending weeks in the hot desert between the fences of the Egyptian and Israeli border. They are given minimal food and water. Those who reach Israel are immediately taken into detention centres to await deportation.

It has been argued that the practice of refoulement from Italy to Libya may be aggravating the situation in the Sinai. The coincidence between the commencement of refoulement in 2009 under

the Italy-Libya Agreement, the decreasing number of people crossing the Mediterranean Sea, and the beginning of the Sinai human trafficking crisis indicate that the push-backs by Italy may be compounding the human trafficking crisis in the Sinai.

The push-backs 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 under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms by 11 Somali nationals and 13 Eritrean nationals resulted in a judgement by the Court pronounced on 23 February 2012 (known as the 'Hirsi Sentence'). 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 further considered that "all the information in its possession showed prima facie that the situation in Somalia and Eritrea posed and continues to pose widespread serious problems of insecurity".

The judgment held that the Italian authorities did not properly register the persons involved and the procedure lacked adequate analysis of their personal situation, thereby violating Article 4 of Protocol no 4 to the Convention which prohibits the collective expulsion of aliens. Moreover, the Court held that by intercepting vessels on the high seas and subsequently returning the intercepted migrants to Libya, Italy violated Article 3 of the European Convention on Human Rights (ECHR), encompassing the principle of 'non-refoulement'. The Court held that, with this operation, Italy extradited people who "risked being subjected to ill treatment in the requesting country".

In response to the humanitarian crisis emerging from the Libya-Italy Agreement, on 20 May 2009, António Guterres, the United Nations High Commissioner for Refugees, urged the European Commission to convene a gathering bringing together Italy, Malta, Libya, the United Nations High Commissioner for Refugees and others to create a joint response to irregular migration across the Mediterranean Sea. The High Commissioner referred to the EU Charter of Fundamental Rights, which is in line with the Universal Declaration of Human Rights, which guarantees the right to seek asylum from persecution, while the customary international law principle of non-refoulement precludes sending people back to situations in which their lives and freedom would be jeopardised.

In response to the crisis in the Sinai, the United Nations High Commissioner for Refugees has also asked for additional resources to increase the security for refugees in the refugee camps in Ethiopia and Sudan.



## Recommendations

This report makes the following recommendations to bring to an end the refugee crisis in the Sinai:

1. **Egypt, Sudan, Eritrea, Ethiopia:** Cooperate in the fight against trafficking in persons and exchange information, preferably in cooperation with and through the channels of Interpol, with the aim to start criminal investigations against the perpetrators.
2. **Interpol:** Support the start of criminal investigations on the organisation of trafficking in persons in the Sinai.
3. **Europol:** Start gathering information on the practices signalled in the report on money flows from EU member states related to the ransom payments associated with the trafficking.
4. **The UN Monitoring Group for Somalia and Eritrea:** Investigate further the role of Eritrean officials in the organisation of trafficking in persons in the Sinai.
5. **The UN Monitoring Group for Somalia and Eritrea together with UNHCR and the High Representative of the EU Foreign Affairs and Security Policy:** Set up an action group with involved states in the complete trafficking chain, including source, transit and destination countries, in order to structurally address the refugee crisis and associated human trafficking problems in the Horn of Africa.
6. **UNHCR:** Ensure the security of refugees in the refugee camps including by:
  - Establishing reception units at the Eritrea-Sudan border
  - Carrying out an investigation into the traffickers and how they are organised, including those operating from within the refugee camps
  - Ensuring a secure environment within the camps, including by providing alternatives to firewood (cooking stoves or central kitchens), employment opportunities within the camps and schooling within the camps
  - Strengthening anti-fraud and corruption measures
  - Ensuring all refugees receive identity papers without payments
7. **Ethiopia, Sudan and Egypt:** Strengthen measures to protect refugees and migrants from being trafficked including improved policing, investigation and punishment.
8. **Egyptian authorities (in dialogue with Bedouin leaders):** Take measures to prosecute and punish the human trafficking network operating from the Sinai.
9. **All countries (including Egypt, Yemen, Libya, and Israel, and the EU member states):** Stop the refoulement of Eritreans on the basis of the justified fear of severe punishment of returnees.
10. **Israel, Egypt and the European Union:** Develop a post trauma support programme and reintegration programme for the victims of Sinai trafficking and torture and release them from detention centres and prisons.
11. **European Union:** Cease bilateral aid with Eritrea based on the serious human rights violations that are taking place, and which have led to the exodus of refugees from Eritrea, and commence a programme to support Eritrean refugees in Ethiopia and Sudan.
12. **European Commission:** Start infringement procedures based on Article 258 of the Treaty on the Functioning of the EU against States which do not comply with EU legislation by violating the principle of 'non-refoulement'.

## Chapter 1: Introduction

### Background

*"The story of Sinai cannot be told within a short period, it is a long tragic story"<sup>1</sup>*

Hostage taking in the Sinai, mostly of refugees from the Horn of Africa, became known to a broader public in 2009. The refugees include men, women, children and accompanying infants fleeing from already desperate circumstances. Many of them are kidnapped from refugee camps and their surrounding areas or smuggled across borders by middlemen. Their captors are opportunistic criminals looking to profit from their vulnerability. They are then taken to the Sinai and sold, sometimes more than once, to Bedouin groups living in the Sinai. The refugees must find a way to pay back the person who 'bought' them, which is mostly done through the collection of ransoms from their relatives or friends. The refugees are kept in houses and camps close to the Israeli border (also referred to as 'torture camps') in inhumane conditions and subjected to daily torture while their captors negotiate ransoms for their release.

Throughout this process the position of the captured person varies; he might start as a smuggled person, a migrant or a refugee, but end up as a hostage, a victim of trafficking and/or torture. The situation is not a static one and may change over time. In this report we refer to this group of people as 'refugees', which was defined in the Refugee Convention of 1951<sup>2</sup> as a person who, "for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion",<sup>3</sup> is not in his country of nationality and is unable to return there. Although we have not investigated whether or not each individual being held in the Sinai falls within this definition, it is clear from the interviews that many of them, especially those of Eritrean origin, feel that they cannot safely return to their home country. Some left their country without the required permission (sometimes with the help of officials, especially when the refugee is coming from Eritrea) or to evade national service (in Eritrea), for which they would be punished if they returned. Many were taken from the United Nations High Commissioner for Refugees (UNHCR) camps or surrounding areas, and are, thus, recognised as (potential) refugees by UNHCR. For the purpose of this report, the term refugee is used in a more general sense than in the Refugee Convention to include those who have become victims of trafficking and other migrants who have been taken hostage in the Sinai.

In early 2011, two groups of 28 and 31 people arrived in the Sinai desert, after a long journey from Sudan. Their voices were heard for the first time in 2011, when interviewed by Meron Estefanos, presenter for Radio Erena, a public radio broadcasting from Sweden into Eritrea. The first interview recorded and translated for this research dates from this time (February 2011). The following excerpts are from an interview broadcast on Radio Erena on 1 March 2011:

"Hello listeners for today's airing of the show 'Dmtsi Melsna Delina'. Today our show will be hearing from Meron Estefanos who has been conducting interviews on telephone with Eritrean refugees who are being held hostage in Sinai Egypt.

Meron Estefanos (ME): "Hello"

ME: "What is your name?"

B: "I am Biniam."

ME: "Ok Biniam, how was your day? Please tell me what has happened since we last spoke?"

BE: "Well, they are continually threatening us. Whatever the case may be, we have told the hostage takers that we have no update, we have not made any progress in terms of the request for ransom that they have made. We were told we were given enough time, three days, and now they think we are stalling with getting money. So they killed him before our eyes."

ME: "Who have they killed?"

B: "A man called Daniel."

ME: "The man whom had spoken with me a couple of days ago?"

B: "Yes that is the one whom they have killed."<sup>4</sup>

A few months later, the refugees in this group estimated that approximately 200 people were being held captive. Since then, many more people have been trafficked to the camps, mostly of Eritrean, Ethiopian and Sudanese origin.

Based on the interviews, Meron Estefanos estimates that there are currently more than 1,000 refugees being kept in the Sinai, and she receives around 30 telephone calls a day in relation to people held in the Sinai. It is difficult to establish an exact number as different groups have different contact with the outside world. Back in Eritrea, people mourn the people who have died in the Sinai by placing arbitrary signs in the streets of Asmara to remember the people who died there. From 2010 to 2012, the death toll is likely to be around 200 to 300 refugees (died while being held hostage) from the groups of people Estefanos has talked to. In a new documentary "Stand in the Sinai" (released 21 September 2012), CNN estimates that at least 600 people have died (while held hostage). Many refugees die after their release (after their ransom was paid), shot by border control on the Egyptian or Israeli side. Based on lists of people found in the morgues and found in the desert, it is estimated that 4,000 people have died or were killed coming through the Sinai in the last 5 years.<sup>5</sup> Every three months more than a 1,000 Eritreans are deported back to Eritrea or Ethiopia from Egyptian prisons/detention centres – demonstrating the large influx of refugees from this country into Egypt and the Sinai.

### Aim of the report

The main aim of this report is to give the refugees who are being kept in the Sinai a voice. Through the interviews we can hear their stories, and connect with them. It is hoped that this document will raise awareness among the broader public of the desperate plight of these people as a step towards stopping this crime.

A second aim of the report is to take a first step towards contextualising these practices in the international legal framework, and, in this way, to point to the responsibilities and obligations of states and international organisations (including the EU) to take action against these practices.

### Research questions

This report looks at two main questions:

- What is the process involved?
- What is the international legal framework applicable to these practices?

In terms of process, the report attempts to shed light on: how the refugees are recruited, how they are transported to the Sinai, including their routes, and the conditions under which they are being held. In terms of international legal framework, the report tries to determine to what extent the reported practices be considered 'trafficking in persons' or 'torture' under international law, and how other reported practices can be categorised.

### Methodology

This report is mainly based on the interviews conducted by Meron Estefanos together with other interviews and additional public sources. For security reasons and lack of time and funding, it was not possible to crosscheck the stories of the refugees. Such crosschecking, further data collection on the ground and analysis of the international (legal) context is required. However, there is an immediate urgency to tell the stories of these refugees with what information we have now.

For the research 123 interviews were conducted. The largest collection of interviews is 117 interviews with refugees conducted by Meron Estefanos while the refugees were held captive in the Sinai desert. The interviews were conducted by telephone between 1 March 2011 and 20 September 2012. The telephone numbers used to contact the refugees held hostage were obtained from relatives or people known to the refugees who were approached for the collection of ransom. Initially, interviews took place with the knowledge of their captors, and the refugees were held under duress and even tortured during the calls (to increase the pressure on the caller and, thereby, the likelihood of the ransom being paid). The interviews were conducted in Tigrinya, Arabic, Italian, and sometimes English, and translated into English where necessary. Translations were checked by Meron Estefanos. Sometimes wording was discussed. It was decided not to translate the advice she gives to the victims as it is not relevant information and is repeated to all interviewees; hence, this was removed from the interview translations. The translations were selected out of 1,441 recordings related to Sinai. The recorded interviews are with the refugees held in the Sinai (during captivity and after release), their families and the traffickers. Some additional interviews have been held with people in Libya, Djibouti, and Sudan, in order to understand details regarding the route of smuggling and trafficking to the Sinai.

The interviews conducted by Meron Estefanos can be roughly divided into four sets. The first set of interviews enabled the interviewer to learn more about the situation. These were open-ended interviews and the interviewer collected data on: the name of the refugee; where they were being held; the number of people held; the number of people held in other places (according to interviewee); the ages of people held; the origin of people being held; the conditions they were being held in; torture; their worst experience; their route to the Sinai (including mode of transport and whether they were forced or went voluntarily); and ransom demanded.

A second set of interviews was conducted through structured interviews, in which a questionnaire was used. A third set of interviews was conducted with refugees after they had been released from

the Sinai, mainly after they had arrived in Tel Aviv or Cairo. A fourth set of interviews was conducted with the perpetrators, some of which had been kept and tortured in Sinai themselves before becoming involved in these practices.

The transcripts of these interviews were shared with the other authors and half of the original audio-files were shared with EEPA. Face-to-face interviews with former refugees conducted by Meron Estefanos in Tel Aviv were filmed.

A second round of interviews was then conducted with six resource persons by a team put together by EEPA consisting of Mirjam van Reizen, Guillaume Flament and Renata Iadevaia; these interviews were conducted by Skype and face-to-face. The resource persons interviewed included staff of non-governmental organisations (NGOs) such as the Hotline for Migrant Workers, people assisting refugees from Eritrea such as Sigal Rozen and Alganesh Fessaha from the Gandhi Foundation, and resource people on the region in the Netherlands and Italy, including former refugees originating from the region.

Based on 123 interviews, 363 people were identified as being held as hostage in the Sinai, of which 5 are children under 10 years of age and 16 are children aged between 10 and 18. Checks were made to identify duplication in the interviews (same person interviewed or referred to at different times), where possible.

A number of interviews focused on the routes taken by refugees (in order to establish whether refugees were smuggled or trafficked), the financial transactions that took place and the organisation involved in such transactions. The process of negotiation with the traffickers and ransom collection has been followed. Initial interviews were broadcast on radio (Voice of Meselna Delina and Radio Erena). As a journalist, Estefanos broadcast the plight of the refugees on radio, initially so that families who were not aware of the situation of their relatives could be contacted. In this way she helped save many lives.

Estefanos also contributed to and organised collections to raise money for the release of refugees. At first she wanted to address this issue to the United Nations and European Union to stop it. She sent letters but nothing happened. Then from the group she interviewed, people started to die and she began to pay for her peace of mind. She knew the group from Semhar; she couldn't pay for the whole group but at least she paid for one person. Since then she insists saying to the victims: "I cannot help you with money"<sup>6</sup> during the interviews. While all refugees held hostage beg for her financial support she refuses as she cannot pay for everybody. "I will tell the world about you"<sup>7</sup> she answers to the victims, and she has been broadcasting the interviews on radio Erena. According to Estefanos, some people are not speaking the truth about being kidnapped in the first place; they didn't say they actually paid to go to Israel. But she adds: "Nobody is lying about the torture".<sup>8</sup>

Analysis of the interviews took place by organising these into data files and entering them into a database. The information taken from the interviews was further categorised based on the modus operandi and the people involved (both refugees and perpetrators or facilitators) were registered. Because of the sensitivity of the research, the sources and people involved in the interviews have been made anonymous. A justification of sources and their location is provided in Annex 1. A list of names of the traffickers named in the interviews was also compiled, but is not included in the report.

In June 2012, a closed hearing was held with the European Parliament at which evidence was viewed from Dr Alganesh Fessaha, who visited refugees who had been released, as well as those in morgues and detention centres, especially in Cairo. This meeting was attended by all the authors of this report and the research assistants. Dr Fessaha showed photographs of her visits to the Sinai and Cairo, specifically the holding places of released refugees, detention centres and morgues. She also showed other photographs obtained from other sources. Dr Fessaha provided the photographs for this report. This meeting helped bring together information on the hostage situation with information on the situation after the hostages are released.

Secondary data for this report was provided by a review of literature on refugees in the Sinai. Although literature specifically addressing the situation in the Sinai is scarce, there are reports from NGOs, UN-bodies and governments dealing with the situation. To the extent possible these sources have been used to verify the practices reported in the interviews. The data from the interviews were crosschecked with data from other interview sets (a set of 1,300 interviews conducted by Physicians for Human Rights – Israel with refugees from the Horn reaching Israel).<sup>9</sup>

Source material in the following languages was used for the composition of this report: English, Arabic, Tigrinya, Hebrew, Amharic, Italian and French.

### Structure of report

The report follows the journey of a refugee to the Sinai. This introductory chapter is followed by an analysis of the interviews on the process of recruitment, country of origin of refugees, reasons for leaving and travel routes (Chapter 2). Chapter 3 looks at why and how the refugees end up in the Sinai. Chapter 4 gives an overview of the conditions under which people are held in the Sinai, and lists the various methods of torture and extortion that are applied. Chapter 5 contains stories of solidarity and humanity to show the survival strategies of the refugees who find themselves in such a hopeless situation. Chapter 6 contextualises the reported practices within the international legal framework. Chapter 7 explains how Eritreans end up in countries of the European Union with a particular emphasis on Italy's response. It further touches on what the European Union could do about the trafficking crisis in the Sinai desert. Chapter 8 contains recommendations.

## Chapter 2: Recruitment of refugees

This chapter identifies how the refugees are recruited, transported, transferred, harboured and received. It looks at the use of force, including other forms of coercion, abduction, fraud, deception and abuse of power or position.

### The refugees

The interviews conducted for this study identified 363 persons that were held in the Sinai. The refugees originate from Eritrean, Ethiopia and Sudan. The same information could not be asked of all interviewees, but it is clear that most of the refugees are Eritrean (mostly Tigrinya people), Christian and male. Among the captives are men, women, children and infants.

Because of the background of the main interviewer (who is of Eritrean origin) and the fact that she speaks Tigrinya, she had easy access to the group of refugees of Eritrean origin. In the interviews she asked the names and origin of the members of the groups which is the basis for the estimated breakdown of the origin of the refugees. The follow facts were ascertained from the interviews about the refugees being held in the Sinai:

- 95% originate from Eritrea;
- the vast majority of the Eritreans (between 75% and 95%) are from the Tigrinya ethnic group or related ethnic groups, with very small numbers of Blin and Saho (identified from 237 refugees);
- there is a small number (20) of Ethiopian people (Amhara and Tigray people);
- 85% are male (identified from 278 refugees);
- 87% are Christian and 13% Muslim (all male) (identified from the 297 refugees whose religion could be determined).

The high number of Eritreans among the Sinai refugees is corroborated by interviews conducted by Physicians for Human Rights (PHR) - Israel with torture survivors arriving in Israel.<sup>10</sup> Of all the Eritreans arriving in Israel 20% passed through the torture camps.<sup>11</sup> Testimonies of over 1,300 survivors recorded from 2010 to April 2012 at the Open Clinic of Physicians for Human Rights – Israel, which is based in Jaffa (Israel), revealed the following figures (quoted from the report):

- 81% of respondents were guarded, locked up or tied up in the Sinai desert
- 45% of the victims are women
- more than 600 women suffered sexual assault or rape
- refugees were held captive for periods of 10 to 200 days (average captivity time 23 days)
- 39% witnessed injury and/or death of other refugees while in the Sinai
- 72% reported severe food deprivation; 63% reported denial of access to water
- fifteen survivors reported being forced to work while in the hands of the traffickers
- over 200 were handled by multiple groups
- 178 survivors reported being victims of shooting by Egyptian border patrols on the Israel-Egypt border.<sup>12</sup>

It should be noted that the gender-disaggregate figures differ significantly between the two data-sets. There are a few explanations for this:

- The PHR – Israel data-set is based on the people who visit their clinics, and it could be assumed that more women visit the clinics.
- The women are released faster (relatives are faster to collect the money) and, therefore, they appear in smaller number in the interview groups.

From our observations, there were more men previously, but the more recent interviews over the summer show an increase in the number of women being held hostage.

The CNN documentary “Stand in the Sinai” suggests that the number of refugees held in Sinai has diminished due to actions taken by the Bedouin Sheiks, who are opposing the human trafficking. Whilst the importance of the documentary is not disputed, nor the relevance of the constructive engagement of the Sheiks to control the trafficking, our data show that the trafficking is intensifying. In the two months leading up to the publication of this report the following trends were identified, based on analysis of the interviews with refugees, interviews debriefed in Israel and calls received from relatives of refugees held as hostages:

- the ransom amounts are increasing, and refugees are being held and tortured for much longer periods of time due to difficulties in raising the money;
- torture practices are intensifying in cruelty; and
- more people are dying after torture.

Contact persons of the refugees also receive more calls from relatives looking for their dear ones – for whom ransom was paid for but who never arrived. This would suggest that the profitability of human trafficking in Sinai is increasing, with a greater number absorbed in it, while fewer people come out alive.<sup>13</sup>

The Eritreans are the largest group of refugees kept in the Sinai, from whom the highest ransom is being asked. The Southern Highland Tigrinya Eritreans are generally routed through the Ethiopian border, whereas the southern lowlanders are routed through the Sudanese border. The trafficking is widely seen as being related to the refugee crisis affecting Eritrea. In 2012, the Guardian reported:

The UN estimates that 3,000 people left Eritrea in every month of 2011, most for Sudan or Ethiopia, many bound for Israel. These are the refugees that fuel the Sinai smuggling industry. The UNHCR estimates that almost 60,000 Eritreans crossed into Israel from Egypt between 2009 and 2011.<sup>14</sup>

The United Nations High Commissioner for Refugees, António Guterres, recognised the problem of trafficking originating from Shagarab in a press release in January 2012, when he visited Shagarab refugee camp, which receives about 2,000 asylum-seekers every month, largely from neighbouring Eritrea, many fleeing military service.<sup>15</sup>



The large number of hostages originating from Eritrea is explained by a number of factors:

- the large Eritrean Diaspora (with finances at their disposal) and their tightly-knit family/community structure, which makes ransoms easy to collect;
- the large number of Eritrean refugees and lack of alternatives for Eritrean refugees, and the danger of return or deportation given the harsh punishment by the Eritrean authorities;
- the 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.

### Reasons for leaving and destination

From the interviews it appears that many of the refugees were on their way to a refugee camp or family reunion somewhere in Sudan or Ethiopia before they were trafficked to the Sinai. There are a few refugees who were taken hostage while trying to reach Israel as a final destination. However, most of the refugees who end up in Sinai, never intended to go to Egypt or to Israel.

Many of the Eritrean refugees reported leaving Eritrea to evade national service in Eritrea, a requirement for people aged between 18–50 years. Since 2002, national service has developed into an indefinite period of national service and conscription after 12<sup>th</sup> grade.<sup>16</sup> Other reasons for leaving include reunion with husband or family, who have already settled in one of the refugee camps in the region or to find work.

For instance, an interviewee identified as T states: “When I set off I was heading for Kessala. [...] I wanted to go to Kessala to work.”<sup>17</sup> Another interviewee, S, who is also from Eritrea and was in the National Service from grade 12, explains “the way they treated me was inhuman, that is why I left my country”<sup>18</sup>. S is a young woman who left Eritrea and crossed into Ethiopia from where she went to Shagarab.<sup>19</sup> From there she eventually decided to go to Israel, as life in the camp became monotonous:

I have to take the risk for good or bad. If I succeed life will be changed and I can assist those who are at home in a bad condition, and if the worst comes, i.e., death or torture, I took it for granted because there is no choice.<sup>20</sup>

Another refugee, also identified as S, an 18-year old young Eritrean woman from a place close to the border of Sudan, gives a similar reason:

I left my country due to family problems, my father is in the army and my mother is taking care of us by dressing hair. I wanted to just to assist my family by working in Sudan. When I reached the border of Sudan the Rashaidas kidnapped me.<sup>21</sup>

Many of the refugees report that they were not on their way to Israel. Their destination was Kessala (Sudan) or one of the refugee camps. For example, T explains: “I didn’t have money to go to Israel.”<sup>22</sup>

Another 19-year old girl, who is being held as a hostage, explains:

I left my country to work in Sudan and assist my two kids and family. I was planning to bring my kids to Sudan to live with me but I am facing such challenge now. My kids are in Eritrea.<sup>23</sup>

## Smuggling

The destination of the refugees or migrants is usually neighbouring countries. Most of the migrants en route to Sudan or Ethiopia are transiting via the same cities and through the refugee camps of Shagarab in the Sudan or Mai-Aini in Ethiopia. These are the most well known among migrants in the Horn region. The largest concentration of refugees in Sudan is located in Shagarab, numbering more than 86,000.<sup>24</sup>

Many of the refugees originating from Eritrea are smuggled out of the country. This can be explained by the fact that Eritreans need an exit visa to leave their country, which is difficult to obtain. Given Eritrea's shoot-to-kill policy at the border, payments are often necessary to make the crossing. From the interviews it appears that the Eritrean Border Surveillance Unit is involved in the smuggling of migrants across the border; it organises transport and safe crossing and accepts payments for this. The destination is dependent upon the size of the payment received.<sup>25</sup>

The distinction between smuggling and trafficking is sometimes blurred. While the victims believe they are being smuggled, they gradually realise they are being trafficked. This is illustrated in the report of A:

I was in Measker Mai Tsebri [Ethiopia]. When I was there, we decided to travel to Sudan, and one Ethiopian brought us to Sudan. [...] When we were crossing a river called Tkeze, one person died while crossing. Then the Ethiopian smuggler brought us to Shagarab. When the smuggler was aiding us into Shagarab, he entered with us. When he brought us into the area, he said he would allow us to spend the night there. When we did, he proceeded to take us where the Rashaida people were. [...] After that, without our knowledge they took us to another place for about a month. Finally, we reached the place where other Eritreans were held. We were mixed with them. And now we find ourselves here in the Sinai.<sup>26</sup>

Another interviewee was very clear that his destination was not Israel. He was staying in the refugee camp:

When I arrived in Shagarab, we went out of our huts to take a piss and were kidnapped by some Rashaidas who were waiting there. I didn't want to come here. It is unthinkable for me to come here, it wasn't my intention. I went to Shagarab to get my UNHCR identification.<sup>27</sup>

Some refugees left their country of origin legally, and were on their way to join family. Their destination was not the Sinai or Israel. An interviewee identified as K describes how she left to join her relatives in Sudan:

I am 25 years old. It has been almost a year since I left Eritrea. I left Eritrea to visit the Sudan legally; I took a passport and left to Sudan. I am a widow; my husband was martyred [killed in action during the war].<sup>28</sup>

The refugees working in Sudan are often vulnerable because of their precarious situation and are often abused. This includes not being paid for work carried out. In some instances, migrants set out to go to Israel hoping to find work with better pay and conditions.

In the interviews done in the second quarter of 2012 it appears that the refugees had some knowledge of the Sinai, but had not realised the severity of the torture involved. Some felt that they had no alternatives but to leave Eritrea.

The refugees interviewed from Eritrea often reported leaving with someone they trusted: someone from their village, a friend or a friend of a relative. It is not known whether these initial smugglers or guides are part of the trafficking network, or whether they unknowingly feed into the trafficking ring(s). This will be elaborated on in more detail later.

## Abduction

When the refugees realise that their intended destination is being obstructed by the people accompany them, or they find themselves in the hands of people who are forcing them to go to a particular destination, they refer to it as being 'abducted'. This includes being threatened by people who carry weapons, and being forced, sometimes also being beaten. It also involves hiding, such as in secret locations and being transported under cover.

Refugees and migrants are abducted in various ways, the most common of which are:

- when they cross borders, especially from Eritrea to Sudan and are picked up by Rashaida<sup>29</sup> who sell them to the Bedouins, who then take them to the Sinai
- from the surroundings of the refugee camps, especially from Shagarab, while working to earn money for survival
- from within the camps, especially Shagarab
- while in the hands of a paid guide

### Crossing the borders and the role of Rashaida

Refugees report that they are abducted while trying to reach a safer place. An interviewee identified as O, who is from the Saho ethnic group and speaks Arabic, left Eritrea for Ethiopia in 2010 and relates:

I was kidnapped by a Rashaida and I spent two to three months in the rural area of Sudan. After that they brought me to a coast. We spent 14 days there. They gathered more Eritreans and then brought us to this place. We are in a really bad state.<sup>30</sup>

Some people are abducted straight from the Eritrean-Sudanese border. For instance M, who is 21 years of age, tells the following:

I left Eritrea in January 2011. I am an Eritrean from Asmara. I was caught while trying to cross the border. They raped me while I was in Kessala and kidnapped me, and here I am. I did not even understand how it all went, I was unconscious.<sup>31</sup>

At the time of the interview, M was six months pregnant from the rape that she described happening in Kessala.

In most of the cases, the refugees are either intercepted by Rashaida who know the routes the refugees take; however, sometimes testimonies also refer to the complicity of Sudanese border guards who deliberately place them in the hands of traffickers while pretending to bring them to safety.

Forty-six year-old S reported what happened to him and his companions. S and a friend decided to leave Asmara and ended up at the border between Eritrea and Sudan. Once they reached Sudan, they met the Sudanese security guards at the border and told them they were on their way to the refugee camp. The security guards welcomed them and told them to wait for a car that would pick

them up. They were told that the car would take them to Shagarab. The drivers were Rashaida and they asked for USD 3,000, and told them they were going to Israel. S and his friend protested that they did not have plans to go to Israel; then they were hit. They ended up in the Sinai.<sup>32</sup>

The interviewer asked whether they knew of the dangers and S explained that in Eritrea everybody knows, but they thought they were safe with the security guards. S was eventually able to pay the ransom and arrived in Israel in February 2012.

A detailed description of how she was kidnapped when she crossed the Eritrean-Sudanese border is given by an 18-year old woman:

When we reach Hasir [on the border], they forced us into a car. [...] we met shepherds and they indicated that this is Sudan. While being led to Sudan within five minutes seven Rashaidas came and threw us in the car. By putting a blanket over us as a cover, delivered us to unknown remote area and locked us in a house. They beat us the whole day and instructed us to say we have relatives in the diaspora. We said according to their instructions. They told us, if you pay 120,000 Nakfa [Eritrean currency], we will send you to Israel. We told them that we can't afford such huge money, and that our desire is not to go to Israel but to Sudan. They beat us and told us to go to Israel, otherwise to pay 60,000 here. Our reply was if we had any such money wouldn't be any reason to come here. They gave us a phone to call our family; unfortunately our family's phone was off and they transferred us to another place. They were selling and exchanging money in front of us.<sup>33</sup>

### **Around Shagarab camp**

According to the testimonies and personal stories that were collected, Shagarab is a camp where refugees go to obtain legal status to help them work afterwards. As this procedure takes time, they dedicate themselves into activities in the camp to survive and start making a living. These activities lead them to the surrounding areas where kidnappers lie in wait. Once captured they are usually brought to other Sudanese locations (Kessala, Khartoum) before being transported to the Sinai desert. From the interviews, it appears that a large group of the refugees reported being forcefully taken from Shagarab camp in the area of the city of Kessala, in Sudan. Refugees from Shagarab leave the camp to look for work, earn money for basic services and collect firewood. They pay bribes to be able to join lines for administrative services (id cards) and for food and other essentials for which they require cash. Cash can be earned though manual work in the vicinity of the camp. Another reason why people leave the camps to collect firewood, as Shagarab camp does not provide central kitchens. This task is especially done by young girls.

Many refugees try and find work in the surrounding areas of Shagarab. B, a young Eritrean male held in the Sinai observes: "access to basic services and provisions is non-existent". Hence, migrants need to go outside to "labour and earn [their] bread".<sup>34</sup> He points out:

There is no such thing as protection there, no police force or any law enforcement. Armed men approach migrants and tell [them] to board a vehicle threatening to kill [them].<sup>35</sup>

Many Eritreans testified that they are caught in the direct surroundings of Shagarab camp, on their way to, or back from, work in the fields close to the camp, or even to a dam to wash.<sup>36</sup>

A 19-year old Eritrean relates how he was looking for work near the UNHCR camp at Shagarab, when he was forced into a car against his will and forced to pay USD 2,500 to be taken to the Sinai. There he was taken captive, tortured and asked for more money on the pretext that he would be taken to Israel. He had not intended to go to Israel. His captors demanded USD 23,000.

The vulnerable position of the refugees makes them an easy target for abuse. B tells:

After I left Eritrea to cross over into Sudan, I had been working in Sudan in the sorghum fields. After working for some time, I approached my Sudanese employer to ask him for my pay. I constantly asked him for my pay, until one day I went to work and there was a Rashaida man waiting there to abduct me. He arrested me and took me to an unknown rural place for about 3 months.<sup>37</sup>

One woman related how she was kidnapped on her way to work near the Shagarab refugee camp. She had a yellow card from the UNHCR and was about to obtain a permit from the UNHCR to allow her to stay in Sudan.<sup>38</sup> Another refugee was captured after finishing work in the surroundings of the UNHCR camp:

In Sudan, I was kidnapped from Shagarab. When I left [the Eritrean building] after finishing work, I was kidnapped there and taken to the rural areas of Sudan near Kessala and arrested for about 3 months time. Without any knowledge on my part, I was taken [to the Sinai].<sup>39</sup>

### Within the camps

Many of the refugees report that they were kidnapped from within the refugee camps. For instance D reported the following:

I have been five months in the Sinai. It has been a long time since leaving Eritrea, and I lived in Sudan Shagarab camp for four years. While I was sleeping in the camp, they came to the camp and beat me, then after they put me in a car and brought me here. They sold me to this person, I paid USD 8,000 and I am working as a translator and like any hostage he is beating me. [...] The Rashidas kidnapped me.<sup>40</sup>

Others report that they were kidnapped when collecting firewood. They said that when they fought the kidnapers some escaped and contacted the police, but that the police were not interested: "nobody cares about the kidnapped."<sup>41</sup> The safety of the Eritrean refugees in the camp is further compounded by the access of Eritrean officials to the camp:

Last time an Eritrean government car came and was trying to hijack a young man [who] ran away to a mosque, they were [with] two cars, [...] two cars came and those who saw it confirmed that the car[s] belong to the Eritrean government.<sup>42</sup>

Another reason why refugees leave the camps at night is fear of being captured by Eritrean military and deported back to Eritrea:

...during the night they want to run away from the camp [so as] not to be deported to Eritrea. The main fear is not to return back to Eritrea, not about their lie. They are afraid of being tortured by the Eritrean government.<sup>43</sup>

Eritrean refugees are also asked to pay for the yellow identify cards provided by UNHCR, which they need as they don't have passports: "First you pay the photograph USD 10, and when you receive your yellow card you pay USD 23, all in all USD 33".<sup>44</sup> While this is not UNHCR policy, refugees are

reporting that they have to pay these amounts to receive the cards. Refugees leave the camps to find work to earn the money for the cards. This increases their risk of being kidnapped.

One refugee, who was in Sudan at the time of the interview, has had a long journey:

It has been four years since leaving my country [Eritrea]; I have been to Ethiopia, Sudan, Libya [...] In Ethiopia I was in Shemelba [a refugee camp]. I was betrayed when I was in Sudan, I tried an unsuccessful trip by sea, then returned to Sudan after 10 months. I had a sponsor to go to Canada, and to process that I returned to Sudan. [...] I am waiting for a file number.<sup>45</sup>

### **By professional guides into the Sudan**

Paying a smuggler or a guide is often important, especially for Eritreans, to enable them to cross the border illegally and to use safe routes to go to Sudan (most of the time Kessala or Khartoum) for work. People also use guides to help them find work or to interpret for them.

An interviewee identified as T tells how she was abducted while looking for a job with a guide:

I was looking for a job, and then an Eritrean man, who told me he would help me find a job took me to his place, in which there were the Bedouin. And then suddenly two cars came and the Bedouin were telling me to board one of the vehicles so we could depart.<sup>46</sup>

Another interviewee, G, was lured by his guide in the Sudan. Trusting that his guide would accompany him to a safe place in Sudan, after paying him 10,000 Eritrean Nakfa (approximately €500 or USD 650), he was brought instead to some Rashaida men and women who kidnapped him, and demanded a further USD 1,500. Although he couldn't pay the money, his ransom kept on increasing, and he was tortured for not being able to pay.<sup>47</sup>

Guides are used because the language gap between Eritrea and the Sudan remains difficult for refugees who don't speak Arabic. For instance S, a 20-year old female, was on her way to Israel and asked a guide to help her:

I left Khartoum to go to Israel. Someone called Mohammed, from Kessala arranged everything. He used to work in the Sinai. He told me that he can get me to Israel. And then sent me to someone called A in Kessala. I spent a week there and then he brought me [to the Sinai].<sup>48</sup>

Another interviewee, A, who is 22, also wanted to go to Israel and was lured by a smuggler:

I left Eritrea in 2009. I went to Sudan. I agreed with those traffickers to take me to Israel. [...] Then they detained us in the same place as those who were kidnapped. [...] There was this go-between who arranged everything, who went by the name M. M took me to another Sudanese called Mohammed. M is from my village so I trusted him. Mohammed then arranged for me to come to where I am right now. While we were en-route, we were stopped by over 20 people, who picked up one by one and detailed us in some house, including the girls, where we found other people, who were either kidnapped or came voluntarily.<sup>49</sup>

According to A, who was interviewed in November 2011, by then 200 people came with the trafficker M thinking they were being smuggled to Israel. They were treated as badly as the people who were being trafficked and were tortured without mercy to extort more money.

## The recruiters

The following actors can be distinguished in relation to the recruitment practices reported above:

- Rashaida circles in Sudan/Eritrea
- Bedouin circles in Sinai/Sudan
- Political Front for Democracy and Justice (PFDJ) officials/Border Surveillance Unit in Eritrea
- Police/military in Sudan
- Traffickers inside the refugee camps
- Guards working in the refugee camps

This rough list specifies several actors, but does not clarify how they link up. A breakdown of the hierarchy and a distinction between leaders and accomplices can also be made.

The *United Nations Monitoring Report on Somalia and Eritrea* establishes evidence of "Multiple independent sources in Israel and the Sinai" and identifies the involvement of Eritrean officials:

In its July 2011 report, the Monitoring Group described the involvement of senior members of the Eritrean security services, notably General Teklai Kifle "Manjus", in the trafficking of weapons and people from Eritrea into Egypt (the Sinai) via Sudan, en route to Israel. The trafficking of arms and people is managed by the same networks using the same vehicles, and the same Eritrean officials are implicated. The Monitoring Group has since learned that this activity exists on a much greater scale than previously believed.<sup>50</sup>

This observation coincides with the greater number of Eritreans being abducted and trafficked directly from within Eritrea. This would be impossible without the direct involvement of Eritrean security officials, given the restrictions on movement within the country, the requirement of exit visas at the border and the shoot-to-kill policy for illegal border crossings. The official papers are received as part of a deal to smuggle people out of the country. An intermediary outside Eritrea is contacted (usually from outside Eritrea) and arrangements are made so that the person to be smuggled out will obtain a travel permit.<sup>51</sup>

The arrangements for the smuggling can be made from outside Eritrea:

For example, if you want to get somebody from Eritrea to Sudan, you call some friends in Khartoum and find a newly arrived person; in Sudan most people know who to contact. So you will find them, I mean those who are connected in some way with this trafficking and you call them and you tell them you have with you a brother or some family in Asmara and you want to get them out and then you set the price. And sometimes if the one that is going to be out is a female and if you can afford to pay more and then they sometimes drive to the border. I mean the more you pay, the safer it is.<sup>52</sup>

The Eritrean refugees fear returning to Eritrea. Most do not have exit visas, as these are difficult to obtain, which means that their departure was illegal. Those who fled from national service, which is the case for many, are seen as deserters and regarded as traitors. A return to Eritrea is, therefore, possibly a return to one of the many detention centres and prisons, where people live under extremely harsh conditions and without legal process.<sup>53</sup> The Red Cross has been refused access to these facilities.

### Chapter 3: Human commodities exploited for profit

Referring to trafficking in the Sinai, the Guardian reported in 2012 that “this industry, run jointly by Eritrean officials, Sudanese and Egyptian smuggling gangs, is estimated to generate more than \$10m a year”.<sup>54</sup> The most striking aspect of this trade is the total commoditisation of human beings. The refugees have to pay at all steps in the process. When leaving Eritrea, whether they leave willingly or not, smugglers often ask the refugees for an initial payment, which is much lower (usually a few hundred dollars) than the ransoms demanded by the Sinai Bedouins. Referring to Eritreans/Ethiopians, one of the interviewees<sup>55</sup> confirmed that people are first sold for around USD 400, then forced to pay for the trip to the Rashaida in the Sinai (USD 1,500–5000), and then asked to pay ransom, which can be a series of different amounts in a chain.

The United Nations Monitoring Group on Somalia and Eritrea estimates a steady increase in the price of the ransoms from USD 30,000 to USD 50,000 by the summer of 2012. These figures have been confirmed by the interviewees, who report ransoms of up to USD 45,000 being asked (and this is after a number of payments have already been made).<sup>56</sup> For a child, the latest sources say that ransoms of USD 35,000 per child are being asked.<sup>57</sup> Four children related to a Norwegian Eritrean refugee in Norway were sold for EUR 50,000. A go-between in negotiations for a ransom, made the following observation when he was asked how he felt when he was negotiating the price of the four children (whose father is in Norway):

It was a feeling that still [gives] a lot of pain in my heart. I was like caught up between two things. First, securing the release of the children was of paramount importance and therefore I had to be as nice as I could be to this criminal person. The second was even having to negotiate with such a person itself was a pain. He was not humane at all, inhumane. He was asking for money and he was talking about that he wasn't making any profit from these children that he was holding. His whole talk was as if he was talking not about human beings, but commodities, you know, products or things that humans produce to dispose of... not human beings. And that was really, really painful, I couldn't bear it. I felt really the pain for the few days that followed. I still find it even difficult to comprehend and talk about it or to remember it. It was in the month of Ramadan, which is the fasting month where Muslims are the most charitable, as in Christmas season for Christians. [...] I tried to use that sentiment to persuade this guy to release those children because it was Ramadan and the end of Ramadan celebrations were approaching and these are children with no parents, no relatives. But it didn't make any difference to this person and I was quite appalled by this.<sup>58</sup>

From the interviews, the following steps in the commoditisation (excluding potential organ trafficking) of the Sinai refugees were ascertained:

- 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 on 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; payment demanded from refugee for the sale
- Step 5: Sold on; payment demanded from refugee for the sale
- Step 6: Ransom for release of refugee
- Step 7: Sold on; payment demanded from refugee for the sale
- Step 8: Ransom for release



Initially, the refugee, may have entered into the travel arrangement willingly – which may be either legal or illegal. Legal arrangements consist of normal travel arrangements with guides where the person has the correct legal travel documents or exit visa. Illegal arrangements are where the refugee is smuggled across borders, without legal travel documents or exit visa, to reach the desired destination. In this part of the journey there is a mutual understanding as to the destination between the refugee and smuggler or guide. "From Sudan, Rashaida smugglers sell space on trucks to Eritrean migrants for an average fee of USD 3,000."<sup>59</sup>

Many of the refugees go to Mai Aini first, and then leave for Shagarab. One of the former traffickers who was interviewed explains:

The Habeshia [people from Eritrea/Ethiopia] are coming from Ethiopia and through the Shagarab camp they are handed to the Rashaida, who in turn hand them to the people in Sinai. [...] Here is the problem; the brokers are willing to hand them to the Rashaida for USD 400.<sup>60</sup>

This former trafficker clearly indicates that the trafficking starts from the camps, especially Mai Aini:

If you stop the business in the camp then it will stop here [in the Sinai] also. [...] All the refugees come from Mai Aini in Ethiopia.<sup>61</sup>

He makes the same point again when pressed, that the trafficking starts in Mai Aini, the Ethiopian refugee camp, and the refugees are sold on from there:

The Habeshia [Eritreans/Ethiopians] come from Ethiopia and not directly from Eritrea. From Eritrean they go to Ethiopia and then through Mai Aini camp and the other camp. From there they make a deal with the brokers. The brokers approach them and tell them about the route to Israel. They agree with USD 2,500. Then the Ethiopians take them.<sup>62</sup>

He is also clear that in his opinion the trafficking needs to be stopped at Mai Aini:

In Mai Aini, there are specific people. If you cut the main source, then there will be no problem. We have to get the big fish so that the smaller ones can stop. The solutions are in Mai Aini. There are 2-3 people who are active in this business.<sup>63</sup>

This former trafficker revealed that the money involved drives the human trafficking market, which is hubbed in Kessala and Shagarab camp:

The Shagarab camp is like a market where people are sold from one broker to another."<sup>64</sup>

At some point in the journey, the contract with the smuggler is broken and the fraudulent arrangement revealed; the refugee then finds him/herself at the mercy of the smugglers.

From Step 3 (abduction) the payments made by the refugee become involuntary and the destination is no longer determined by the refugee. At this stage the victim is aware that he is no longer in control of the travel arrangements or the destination. The trip from Sudan to the Sinai takes up to a few weeks because of the distance and because the smugglers have to avoid police border patrols.<sup>65</sup> The journey is described in the following account:

I came here through Tesenei. When I reached the area around Kessala there was this person with me, and he told me that he is familiar with the area and he can take me inside. While we were en route, I met another guide taking two girls and one man to Sudan. He told me that he is taking them to Sudan and for the right amount of money he can take me with them, and I told him that

I would give him 10,000 Nakfa, to which he readily agreed. When we were near Kessala, the guy told us that we were almost there so we can take a break here and that we are now safe. So we rested there. But unknown to us, the guide did that so he could call the Bedouin. He spoke to them in Arabic and agreed to wait for her [Bedouin women also run traffic circles – eds]. A little later we met with two Sudanese who took all the money we had on us and, right after that, the Bedouin came to take us to a safer haven. On arrival we were greeted well and given food and refreshments. But a little later, they took us to one room and put us inside, asking for us to pay USD 1,500 dollars each. I was amazed because I had paid that man all I had. I told him that I didn't have USD 1,500 dollars. So they started torturing me, and after that took me to the countryside and tortured me there for more than a month. Eventually they sold me to another trafficker who brought me here to Sinai, which I paid USD 3,300. And I am here being asked for another USD 10,000. This is my experience.<sup>66</sup>

At this point, some refugees cooperate with the abductors in arranging their plans so that the destination coincides with the destination forced upon them by the abductors. In this case, the fees paid for the journey are by mutual agreement, and often the fees are lower in this type of deal.

While in the initial stages the victim is often able to pay with money taken for the journey, along the way, the inability to pay is reached. Selling on the victims increases the ransom. The ransom asked by the traffickers generally incorporates the costs incurred by the traffickers along the way and need to make up for potential losses.

### Sale of refugees

The refugees are traded as commodities, with additional value being added every time they are sold. S explains how it works on arrival in the Sinai:

They put us in a closed house in the Sinai. [...] It is a remote area with few trees. The Sinai is entirely a detention place for the refugees. Upon your arrival there is a man responsible for assigning the refugees like property.<sup>67</sup>

T explains it further:

The Bedouin came and asked me to pay USD 2,500. I didn't have much choice after that, they took me all the way to Sinai and then I paid USD 2,500 a month after my arrival. They told us that they would take us to Israel, but instead they sold us to someone else who is now torturing us, asking to bring money. [...] Now they are asking me to pay USD 23,000.<sup>68</sup>

This system of being sold from one place to the next is explained by many of the refugees, as, for instance, in the following explanation:

This is the third house; I have been sold three times. First I was in K's detention house and he asked me to pay USD 5,000. When I remained unable to pay, K sold me to his brother and the new owner requested me to pay USD 33,000. [...] Then when the kidnapper observed our situation he sold five of us. I am the only remaining out the five persons. Two were Ethiopians and the other two were ladies.<sup>69</sup>

## Mode of payment

The collection of the money involved in the trafficking is carried out in different stages:

Stage 1: Payment to get out of Eritrea

Stage 2: Payment to guides to find refugee camps or work

Stage 3: Payment to Rashaida kidnappers

Stage 4: Ransom extorted in Sinai

Meron Estefanos obtained a number of receipts as proof of payment of ransom. Desiré Penzo, an activist from Norway, who contributed to the release of the four children whose father lives in Norway, has also documented the handling of ransom money. A number of the interviews describe how money is transferred through a system of cell phones and via Western Union<sup>70</sup> or MoneyGram<sup>71</sup>.

The interviewees reported difficulties in the transfer of these large sums. The codes of the transfers are given to the traffickers so that the release of hostages can be arranged. However, regularly, after large amounts have been paid, the hostages are not released and new ransoms are demanded, to the despair of relatives. One of the traffickers spoke to Meron Estefanos about this and offered to give her information, with the intention that this increasingly abusive business will be stopped:

Listen, consider me as an information asset for you. Because this way – we want to end this issue. I will tell you there are people who pay USD 15,000 and are not released. They are kept hostage again. Imagine to the extent of transferring USD 15,000! He sells his family, his house and everything and after paying all this he is held as a hostage again. They hold him for another 6–7 months until he pays again.<sup>72</sup>

The interviews also refer to families selling all their small property and borrowing from other relatives to collect enough for the payments extorted during the journey to Sinai. Larger amounts requested in the Sinai force the refugees held hostage to try and collect the money from relatives in the diaspora. Prices can be between USD 1,000–5,000, but can also be lower than that:

It depends on the situation. Sometimes even less money, because it is the only way to recruit, to get involved in the situation, and there is some competition among the market. So it depends on your contacts and your relationships with the persons involved in the situation. And sometimes, you know, for example, they are planning to move people with some small car, like a car of like 10 seats, then if they got like 8 people, they will take 2 people for less money to fill it. If they can't afford, then they can hire them because they don't want to drive the car [half full]. [...] It is simply a normal market. But the government office, especially the Border Surveillance Unit, which is headed by General Tekle [...] It is very much involved in the situation.<sup>73</sup>

The financial arrangements involves a down payment in Nakfa (Eritrean currency) the equivalent of around USD 500 – on the black market and the remainder of the price paid in hard currency to an account outside Eritrea:

The money they ask you for is in hard currency. Even if you leave from Asmara to Sudan, [...] you have to pay in hard currency, that is why they want someone from outside, so that they can pay them in hard currency. The second reason is that it is in some way safe to make the deal outside. The third is that unless the person gets out of Eritrea you can refuse to pay [the second tranche].<sup>74</sup>

Often people report that they came with a trusted person, such as a guide, often someone from their village. An interviewee, A, chose to trust an Eritrean smuggler who came from the same village as he did.<sup>75</sup> "I trusted him", he explained, "and given the fact that he's my relative I thought he would help me out".<sup>76</sup> But A was sold to M, a Sudanese trafficker and ended up in the Sinai with the other kidnapped Eritrean hostages.

Eritreans seem to be involved in the trafficking in Sudan as accomplices, where they work for, and are paid by, the Rashaida to trade refugees and migrants and sell them to the Bedouins. The Bedouins also make use of the Eritreans as translators and for other jobs related to the trafficking.

Specific examples emerging from the interviews are as follows:

That Rashaida woman [who abducts people and sells them on] in Sudan is called A. She has five or six Eritreans working for her, trafficking from Eritrea. They are the ones who play an active role in the kidnapping.<sup>77</sup>

The Eritreans involved in the organisation of the trafficking and smuggling, the accomplices to the trafficking, and the Eritrean victims of the trafficking appear to be predominantly from Highland, Orthodox Christian, Tigrinya communities. Collection of the ransom is organised through a string of Eritrean middlemen, who link back to the traffickers. These middlemen are operating in Israel and many of the EU countries. A police investigation in Israel, reported by the Israeli newspaper Haaretz in 2010, confirmed the involvement of Eritrean middlemen in the payment of ransoms for Sinai victims:

A special Israel Police investigations unit arrested an Ethiopian citizen and two Eritrean citizens suspected of collaborating with Egyptian gangs in kidnapping African refugees who tried to infiltrate the border with Israel [...]. The gangs allegedly extorted the families of the African citizens and asked for a ransom in exchange for their release. [...]

The Egyptian gangs detained African refugees who tried to cross the Sinai border into Israel and reportedly tortured their refugees and held them in poor physical conditions. The gangs forced the refugees to contact their family members in Israel in order to get ransom money for the Africans' release and transfer into Israel. [...]

The police investigation found that the man who is supposed to receive the ransom money in Israel was reportedly an Eritrean citizen named Nagasi Habati. [...] Testimonies by other refugees who were held in Sinai also linked both Nagasi and Ibrahim as full accomplices in the extortion by the Egyptian kidnapers. Nagasi, Ibrahim, and Mahari underwent extensive investigation by the police's special unit and an indictment was served against Nagasi Habati. All three African men were detained until the end of police proceedings.<sup>78</sup>

## Chapter 4: Torture and death in the Sinai

The interviewees being kept in the Sinai report severe forms of torture. Torture is mainly used to increase pressure on relatives to pay ransom, but takes place on a wide scale and in an excessively violent way. Estefanos states that the testimonies of interviewees about the torture practices were shocking to her:

Every hostage tells a story that shocks me; you think there is nothing worse and the next day it will shock you more with new refugees, new torture methods.<sup>79</sup>

Estefanos also observed that the new hostages were increasingly older people; she was shocked at the story of a man of over 65 who was tortured. Estefanos also relates this sad story:

Another one was kidnapped with his 25-year old daughter whom he wanted to drive to Sudan because he was worried about her. But then they were also kidnapped and they were tortured, and the family could pay for only one of them to be freed. The father he chose to save his daughter. She was part of the group that was stranded at the Israeli border.<sup>80</sup>

Most cruel is the situation of the mothers with small children who are kidnapped and tortured.

The element that sets the situation of the hostages in the Sinai apart is the extreme torture and infliction of suffering, which is systematic and applied without exception. It places human trafficking alongside severe torture and killing. The different patterns of torture and death are described in the following sections.

### Torture

The torture is understood, and even justified, as a means of extorting money from the refugees held as hostages. This means that there is the intent to keep them alive. The approach appears to be to inflict maximum pain and suffering, without killing the hostage. However, hostages do die from the torture and are killed to create fear among the other hostages to motivate them to collect the ransom. One hostage interviewed describes the relationship between extortion and torture as follows:

These kidnapers, their objective is to keep us barely alive so we will not try to escape or give them trouble, while at the same time torture us so we are forced to pay. [...] The kidnapers have this policy of torturing the healthy and taking care of the afflicted, because, from what we understand, they don't care if we are alive or dead, but rather about their money. They don't want us dying before they can get the money.<sup>81</sup>

The torture is cruel and takes place day and night:

They hang us upside down on a ramp and hit our feet with a baton. They electrocute and torture us day and night. We are not fed. They don't give us food or water. There are many diseases; many of us have already succumbed and died of these diseases. They tie us and then they melt plastic and drip it on our backs. They tell us either pay USD 23,000 ransom or we will die here. They have a variety of torture equipment. They have specially made whips. Our fingers are all broken because of the torture. They burn us and electrocute us every single day.<sup>82</sup>

The torture is executed by 2 to 5 torturers, while 2 guards watch. A 'manager' or 'boss' gives instructions.<sup>83</sup> In the so-called 'torture camps', hostages are subjected to a large range of torture

practices. Telephones are given to the captives so that they can call their relatives and raise the money to pay the ransom. The torture often starts when telephone calls are made, so as to put pressure on the relatives:

They beat us as we call our families just so we cry and our families know we are being tortured unless they pay that money, so one usually speaks in a high voice when he or she is being beaten.<sup>84</sup>

The torture is generally applied for the objective of extortion, as a threat (to prevent us from escaping) and as a punishment. Sometimes the torturer stops to keep the hostage alive, so as not to ruin the possibility for financial extortion:

They don't want me dead. The man, in charge of this facility once came to see us, and he said that we are going to yearn to die, but we won't find it. They will feed us to barely keep us alive, they will tend to us just so we won't die and systematically torture us just we won't regain our strength. He said, we are his treasure trove and ironically laughed at it. So this is it. It is not because they care that they tend to us, but rather because they wish to squeeze out every cent that we have in our possession.<sup>85</sup>

In some incidences it appears that torture is done just for fun (e.g., to a group that has been given up on, as they have been severely tortured and no more money seems to be coming in).<sup>86</sup> Sarcasm or sadism is reported in the following excerpt:

They instructed us to take off our clothes and poured melted plastic on our backs... and so on; they do that in rounds. They tell us to lie down on our backs and proceed on doing the same to our torsos, while they do so, one of them step on the head, while the other step on our hands just so we would not resist. They did so and towards the end they said "this is your holiday treat".<sup>87</sup>

The cruelty of the torture differs in relation to the state of payment and the health of the hostage. Victims also noticed a change of attitude during Ramadan. D made this comment on the release of a woman in his group:

All parts of her body are burned. After Ramadan they are becoming more aggressive.<sup>88</sup>

The conditions are humiliating and the extent of the humiliation is shown in the range of examples mentioned in the interviews, including by:

- forcing the hostages to keep their arms up for long periods of time
- young children of the traffickers forcing the hostages to stand with their arms up
- young children of the traffickers peeing on the hostages and their children
- taking young children away from their mothers
- threatening to kill the young children of the mothers
- forcing the hostage's face into the toilet

### **Living conditions**

The hostages are held close to the Israeli frontier, an area that is fenced. One hostage says it is a 15-minute walk from the border, but there are other locations as well. The location is remote. The hostages are living in the same places as the Bedouin families. The family houses are large and are sometimes referred to as 'palaces' in the interviews. The hostages are held in the basements or

garages. Sometimes they are kept in the dark, but others are able to observe the life of the families. It seems to be general practice for the hostages to be shackled and tied to each other. This makes it difficult for them to escape. One group of 31 hostages described being kept in a room 4-by-4 metres. They comment that the humidity and the heat in the daytime is unbearable.<sup>89</sup>

The hostages are guarded day and night, which is also to make sure that torture begins when the hostages are telephoned, also at night. In some places, the hostages are tortured in special rooms referred to as torture rooms. Medical problems result from the conditions in which the hostages are kept; these places are infested by lice and the hostages are exposed to disease and suffer frequently from diarrhoea.<sup>90</sup> There are no toilets, the hostages are not allowed to wash. The men grow long beards.<sup>91</sup> The hostages are not allowed to carry out their religious duties (except for Muslim hostages).

The hostages receive little food and drink, and complain of dehydration and hunger. Sleep deprivation is a common practice. Some hostages reported that they were subject to torture in the early morning. In the interviews, hostages also talk about the cold (the desert can be very hot in the day time but freezing at night) and they fear the traffickers taking away their blankets, the only cover they have to protect themselves from the freezing cold.<sup>92</sup> They also speak of being forced to lie naked flat on the cold floor. In some interviews it was reported that drugs ('pot') were used by the torturers and given to the hostages who were enduring torture.<sup>93</sup>

While the question of medical attention is regularly asked in the interviews, the hostages respond routinely that there is none, not even for the children, pregnant women or those who are seriously injured as a result of torture. Only in very rare cases do hostages receive medical attention, and even in those circumstances the attention is inadequate and leads to further demands for money. One of the hostages reported the following when he finally received medical attention (but he does not know where he was taken):

Regarding my health, a few days back they took me to someone for medical attendance. So the person I found there told me, I have to go to Israel for a better medical care, so it is better if I come up with the money. He also told me that I shouldn't be a fool and it is better if I come up with the money. And I told him if I had any money left on me I wouldn't be here with all my intestines dangling out of my belly.<sup>94</sup>

When the interviewer asked whether or not he walked or was taken by car, he explains his situation in more detail:

No, no, how could I walk? I can't even begin to tell you of my ordeal and the situation. If I move even a bit, the sewn parts are going to open up and my intestines are going to come out. I don't move. They have taken off the chains on my feet, blood has started oozing out of my wounds [...].<sup>95</sup>

He continues to explain the 'medical treatment':

He applied some kind of cream and bandaged me there. He also gave me some pills. [...] He went on to say there is coagulated blood inside my abdomen. And the blood is going to impact the tendons of my right leg. He then asked me why I need to endure all this bad treatment when I could simply save myself by paying. I told him that I don't have any money left on me, I've been squeezed dry, but I asked him to send me to Israel. [...] He became angry and swore and slapped and told me to get out of his sight.<sup>96</sup>

Hostages must sometimes endure unbearable suffering. One hostage talked about one of his peers:

There is no such thing as medical treatment here. If you are amputated, disabled or hurt, you can only pray to your God. You are subjected to unbearable pain. He has been crying day and night as he cannot endure the suffering. He is dripping fluid from his eye. And just like every one of us, he is shackled with chains.<sup>97</sup>

### Physical torture

The following forms of physical torture were reported in the interviews to happen on a regular basis: beating, electrocution, burning, hanging upside down and beating, mutilation, amputation, exposure to the torture of other hostages, the giving of 'pot', withholding faith practices, rape and sexual violence. These seem to be part of a systematic pattern of torture.

The hostages are constantly being subjected to beatings. The beatings are carried out with special implements. The Bedouins also shatter the hands and feet of their victims, and whip and beat them.<sup>98</sup> Beatings are also done with corrugated steel:

Yesterday evening we were all shackled together. And then they took us all out, told us to lie down on our backs outside. They first tied our hands to our backs with katucha's [a cable tie, to obstruct blood flow in the palms to cause maximum pain]. Then they told us to lie back on our backs and started stepping on our abdomen until we vomited all the fluids we had in our body. They did the same again after telling us to lie back on our bellies, that is, they took turns stepping on our backs. After that, they told us to raise our legs and beat us with corrugated steel in our soles.<sup>99</sup>

The hostages are also electrocuted, both for long periods of time, and at regular times, for instance every morning. The electrocution is conducted on individuals and in groups. Group electrocution takes place through the chains, or via other connections. Electrocution of individuals or groups drenched in water is also regularly reported. G explains the torture:

At 5am, they spray us with cold water, and as we're all chained together they connect the chains into electricity to electrocute us, and then we all cry saying we'll pay.<sup>100</sup>

The torturers wet the hostages with water and then put electricity through the chains that tie them together.<sup>101</sup>

The hostages are routinely burnt, often by dripping melted plastic bags onto their bodies or inside their bodies. They are also burnt using cigarette buds. These burns are widely reported and shown in the photographs. The torturers immobilise the hostages on the floor, stepping on their hands and heads and drip melted plastic on them. This practice seems to be common as it was mentioned by several interviewees. Now sheltered in Cairo, A explained how this practice "is terribly painful when it is dripped on your body".<sup>102</sup> Burning is common practice, also with melted plastic; Bedouins also burn their victims with hot metal rods.<sup>103</sup>

Another frequent torture technique consists of hanging the prisoner upside down on a ramp and striking the soles of the feet, a terribly painful technique:

We're hanged upside down, and then they beat our soles. All our feet are full of wounds oozing out pus.<sup>104</sup>



In another interview it is described as follows:

They tie them upside down... on the roof of the house ... and beat their feet as well as their hands.<sup>105</sup>

After such treatment, prisoners cannot walk and, therefore, can not easily escape.

With regards to torture, violence appears to have no limit. One person lost an eye because a bottle was broken on his head. A new torture technique is causing incredible suffering: the torturers put petrol in the backbone [anus] of the victim and burn the victim. Burning women's private parts in a similar way is also mentioned (but in the interview, was stopped by the boss).

Mutilations are also reported, like cutting off fingers and hands. Cutting off fingers is used as a threat: "every time you say the payment is not coming in, a finger is cut". Genital mutilation was reported:

Someone died two months ago while they were torturing him. [...]They cut the fingers one by one. There was this guy called B. They cut his penis and fingers with a metal scissors as an example in front of our eyes. He is still alive. They took him out and brought him back in bandages. He is almost dead, given the fact that he hasn't eaten and there's no food; he is as good as dead, but he is still alive.<sup>106</sup>

One hostage has his intestines dangling out of his body as he had received such a beating that his stomach split open.<sup>107</sup> Some victims also reported having suffered a loss of sight as a result of violent beatings on the face, causing infections in their eyes.<sup>108</sup> It has also been reported that tormenters used hot swords to mutilate their hostages and tear off their limbs.<sup>109</sup> In many interviews the hostages report that they can hear the cries of other hostages being tortured:

We can hear others crying from here too, it is a usual thing here.<sup>110</sup>

Torture is intensified as a punishment. Those who try to escape, but fail receive horrific torture treatment. A hostage from a group that tried to escape together in shackles reports:

It was almost resurrection for me. I was almost dead. After our escape attempt they really tortured us [starts crying]. The beating and torture has intensified. We are on the gates of death. We have already been in hell before we died.<sup>111</sup>

### Threats

The threats of killing, killing the children of the mothers and of (killing for) organ harvesting is part of the torture. The following is an account of the treatment by an 18-year old relative of the traffickers, who is especially cruel in his treatment of a hostage, a young boy of 11 years:

And then he told us to bring in money, and he can no longer tolerate us unless we pay and he is going to harvest our kidneys and sell them for USD 80,000 dollars each. R got up and told him to take his kidney, and that he not going to take this anymore. So the teenager [guard] instructed them to take R out, and told him that he is going to take his kidney, and he going to amputate his leg while he is at it just for the thrill of it. R insulted him and was delirious with rage. He said there isn't anything that can be worse than the present situation and dared him to do whatever they wanted. The teenage Bedouin then took out his gun and put it to R's forehead. He first fired a shot upwards, at which point R started crying. They asked him if he is going to pay or not, R

said yes, I will pay, and asked for three days. Then they kicked and beat him and put him back into the room we are being held in.<sup>112</sup>

The issue of threats as part of torture is also highlighted in the section dealing with deaths.

### Violence against women

The women interviewed reported leaving their home countries, mostly Eritrea, but also Ethiopia, to find a job. Some of them left their husbands and children at home. Others were seeking to be reunited with their husbands, who, in some cases, were in Israel.

The conditions of the hostages are particularly harsh and humiliating for women. In the first interview the following cruelty was reported by:

Estefanos: Does your current captor know you are pregnant? Do they still torture you?

M: They know. But still, they have no mercy. They even tell me that I will have to pay for my baby if I am going to give birth. They tell me to pay just so I could go to Israel. They still torture me, they step on my belly. I tell them that I don't have anything. I was married in Eritrea; I have a three-year old girl back home. And I am 21 years old. My husband is in Eritrea; he's in the national service.<sup>113</sup>

From different sources we know that most women held hostages are victims of sexual abuse. A, who came from Ethiopia, describes feeling depressed and explains:

I don't even know how to say this... I can't even talk about it. Everyone that comes here, they gang rape us, 4-5 people. They force us to give fellatio whenever they feel like it, we are raped countless times each day. We are in a real bad situation. [...] They take turns violating those under-aged girls, it would have been better if it was only one guy, they take turns doing this... non-stop, day and night.<sup>114</sup>

S, a young Eritrean woman of 20, is also part of the same group as T and has been in captivity for 8 months. She was first asked to pay USD 3,300 and then USD 28,000.<sup>115</sup> She relates the torture she undergoes:

I was raped when I was sold here. They hang us from a ramp for prolonged periods upside down, they torture us, they put their cigarette butts out on our flesh, especially our breasts. Our hands are all broken. We are shackled all the time. We can't go to the bathroom; they've humiliated us beyond words. There is no food or water; they intentionally deprive us of that. Disease is rampant. We are in a more than horrible situation.<sup>116</sup>

Estefanos asked S what is the worst she has witnessed:

The worst is when they gang rape us and burn us. They rape us four at a time, taking us outside to where they sit. And then start going about it.<sup>117</sup>

Some women report the torture and the sexual abuse of which they have been victims by narrating it through other women's bodies.<sup>118</sup> To make this situation even worse, since the rapes take place several times a day, sometimes for months, women often get pregnant. Many women claim that they were pregnant before they were kidnapped, but some of them might be trying to protect their reputation. Another cruel new torture of women was first reported in an interview on 15 September 2012:

They are hanging us by our hair; the hair of two ladies is forced to drop and the remainder is shaved by blade. [...] he tightens with the iron and then hangs us by chain.<sup>119</sup>

A CNN documentary shows the footage of a three-month old baby, conceived and born in captivity and fathered through rape, who was beaten on its head by the torturers.<sup>120</sup> In Israel (and presumably in Cairo) women who become pregnant from rape find themselves in desperate need to have an abortion: Physicians for Human Rights Israel reports that 80% of the abortions it has coordinated were for pregnancies caused by rape.<sup>121</sup>

### Violence against children

Among the hostages are babies, small children and teenagers. There are mothers with babies as young as one year. One group has a mother with a two-year old baby.<sup>122</sup> In another group there is one lady with two children with her, who was kidnapped from Shagarab camp.<sup>123</sup> Five children under 10 were mentioned as being among the hostages interviewed for this report. There are also 16 children aged between 10 and 18, bringing the total number of children to 21 (out of 69 hostages whose age is known). If the age proportion is the same in the unknown population, the proportion of children (up to age 18) among the hostages could be as high as 30%.

T, a 20-year old women, states that she was escaping from poverty in Eritrea. She has a three-year old child, which she had with her when she was abducted by a car that picked her up in Sudan and promised to carry them to a city.<sup>124</sup> In the group of hostages, there are nine men, four women and two children. T's child is not doing well. The mother is chained with other hostages inside and the hostage-takers take the child away and outside, threatening the mother that they will kill the child if she does not pay the ransom. The child is crying when she is returned and has lost a lot of weight. Every time the child is taken away, the mother is worried and scared.

In another group, there are also young children, and the children of the Bedouins come to play, but also humiliate the hostages by peeing on them:

They hit the children and piss on them. And if the children tell them to stop or try to stop them the guards intervene and hit the captive children held with us. And we tell them to take it easy and to never retaliate, urine won't harm them and stuff.<sup>125</sup>

One of the women has a baby aged one year and eight months. When the child cries, the mother is beaten. They also beat the child:

Yes, they beat him. He beat the child's head with a stick and it was bleeding a lot. In the evening he holds his neck and told me that he is going to kill him.<sup>126</sup>

All of the hostages receive small amounts of food only; this is also the case for the children. The mother and child receive two pieces of bread a day.<sup>127</sup> A 15-year old girl in the group is raped like the adult women. One of the other hostages comments on the situation:

She is not okay. She can't stand the torture, they don't even care that she is young, they still torture and rape her as they please. We can't understand their motives, they're asking for a big ransom and yet they seem like they wish to kill us.

The youngest ones seem to fare better than the older ones in the torture houses. R and H, aged 11 and 13, respectively, were freed soon after they were captured in the Sinai, as "everyone contributed

to their ransom money as they were the needy ones<sup>128</sup>. They managed to get to Israel, but not without being threatened with organ harvesting (R) and asked for large amounts of money to be released (H).<sup>129</sup>

The situation is dramatic for children. Children and teenagers detained in the Sinai are treated badly and undergo torture. They don't have the mental strength of adults to cope with such treatment, as reveals the case of A, a 13 year-old Eritrean boy who reportedly became mentally ill after being tortured and started excreting on himself.<sup>130</sup> S, a 14 year-old Ethiopian boy, was underfed and tortured for 9 months. Captured with a friend called T, S found himself in total loneliness after he was released.<sup>131</sup> As a result of torture, S couldn't stand properly anymore. He was in an appalling psychological situation, desperate for help, but totally hopeless at the same time, saying that he "yearned to die" and that he "couldn't take this anymore".

G, an Eritrean man who escaped death after having his belly badly cut, reported that all the children detained in his group were regularly hit by the captors' children who also peed on them.<sup>132</sup> Another testimony of abuse on children in the Sinai was brought to us by an Eritrean woman named T, who reported in an interview that the hostage takers regularly threatened to harm and kill her 3 year-old daughter to motivate her to pay the ransom faster.<sup>133</sup>

Teenage girls like 15 year-old W are often raped.<sup>134</sup> A, a 20 year-old Eritrean woman explains how all the girls in the group aged between 15 and 40 years old are regularly raped by their captors, in addition to other torture practices.<sup>135</sup>

The four siblings depicted in the photograph on the front cover were kidnapped from the Shagarab refugee camp in Sudan in July 2012. They had been smuggled out of Eritrea and planned to go to Khartoum in Sudan for an interview with the Norwegian Embassy to be reunited with their father. Their father, B, is an Eritrean refugee living in Norway. They were abducted from the camp with a group of other children and held hostage in the Sinai desert. The eldest of the siblings managed to escape and reached the Norwegian embassy in Khartoum. The kidnappers demanded USD 50,000 for their release. The threat was that the children would be tortured, killed and their organs sold if this demand was not met. The Norwegian public rallied around B and raised money to contribute to the ransom. The picture was taken on Monday, 3 September 2012, the same day and hour they the children were released. The father, trying to reach his children and organise their release, is also depicted in the picture on the front cover.

### Differentiated treatment based on religion

There appears to be a differentiation between Muslim and Christian hostages. The Israeli journal, *Yediot Ahront*, released in late 2010 a weekend insert on the situation in Sinai:

The torture described are reserved for Eritreans and Ethiopians, while the Sudanese – perhaps because they are Muslim and Arab-speaking like their traffickers – suffer only from the hardships of the trip.<sup>136</sup>

Another (former) hostage speaks on this subject:

There was a hostage by the name of O. He is Muslim by faith, and he was with us because there was nobody to assist him. After paying 2,000 Sudanese money [pounds] he can't pay anymore. He quits giving them a tell [story] because he is Muslim, and was of the assumption that Muslims

are the oppressed ones in Eritrea. He let him go free without paying any money. They have a religious differentiation. [...] <sup>137</sup>

This former hostage states that the differentiation relates to ransom, but also to torture:

They didn't beat him much in the first instance before their knowledge of his religion, but yes he was beaten. Later on they didn't. <sup>138</sup>

This is also the experience of another hostage, who explains how she also saw differences in the treatment among Muslims:

There were two Muslims [among the hostages] [...] I observed one of them speaks Arabic and was able to read the Quran, the young one [...], while the other reads the Quran little and doesn't speak Arabic [...]. Even among the Muslims they were not treated equally, [the young one] was treated well; they loosened his hands but tightened his legs, they were not beating him, they were telling him to work with them, treated him like a brother. While [the other one] was beaten like us. <sup>139</sup>

The interviews do not all substantiate this. On the contrary, there is quite a large number of Muslims among the hostages. The hostages are not allowed to celebrate religious holidays:

... You can't even open your mouth here. The only words we get today is that when they begin to torture us we tell them we bring the money, just please stop, I will bring it tomorrow, I haven't paid up to now because of bad phone lines. You can't tell them you are a Muslim – they don't even like us, because we are blacks. <sup>140</sup>

The hostage-takers seem to be sensitive to be giving some concessions to (some of) the Muslim hostages in the following ways: <sup>141</sup>

- by lowering the ransom
- more lenient treatment
- less severe torture
- providing possibilities for escape
- providing them special positions or jobs, for instance, as translators
- giving small special favours

In addition, the humiliation of hostages from the Christian faith is sometimes reported.

One group tried to escape while they were chained together, but failed. Later, members of the group report that one managed to escape:

Only one managed to get away. [...] He was a Muslim, so they were a bit lenient on him. He managed to get away as he was not tied. <sup>142</sup>

One interviewee mentioned that a priest was severely tortured, as he was blamed for the fact that money was not being transferred for the group of hostages:

They burned the holy Bible. He suffered from the very beginning because they blamed him for his religious leadership, and also they found supporting things, so they decided to kill him. <sup>143</sup>

Prior to this, the death of Father Ogbai was reported in March 2011. <sup>144</sup> In the following account, a severely injured hostage of the Eastern Orthodox faith (the Eritrean Tewadho Church) is treated in

derogatory terms when he asks for allowances to “make amends with his God” after he has been told that his injuries are so serious that he will certainly die soon:

I asked him to send me to Israel if I am going to die within the coming 40 days, where I would pray and make amends with my God. After hearing the translation of what I said, [the doctor] became angry and [abused me].<sup>145</sup>

When the release of the four children (whose father is a refugee in Norway) was negotiated it was Ramadan and one of the intermediaries who spoke with the traffickers tried to emphasise the duties under Islam to consider the fate of orphaned children. However, this did not impress the trafficker:

I think these traffickers are not religious. I mean, normally with Bedouins, tribal allegiance is more important than religion and religion is sometimes just a custom, not necessarily a spiritual guidance for these people. I was trying to speak with him in a religious manner to remind him that what he was doing was sinful and it was not right and this is a month of mercy and that he should really release the children. But he was not interested in listening to any of that; he was just interested in gaining the amount of money he was trying to gain.<sup>146</sup>

In the interview, the go-between warns against a black-and-white picture of the religious denomination of the hostages as Christian and the traffickers as Muslim, with the following explanation:

I think, if I may add to this one, it is quite sensitive and it might be misinterpreted sometimes because from some of the reports of the victims narrations that I was reading a few years back, they probably assume that these are Muslims and they are committing these crimes against their victims because of them being non-Muslims, but I strongly dispute that kind of reporting because their victims include Muslims, but also the very incidents themselves are condemned and rejected by every Muslim, and luckily in Egypt there is an active Eritrean community, who are predominantly Muslims, the second generation Eritrean refugees who have been born and brought up in Egypt or Sudan or in some other Muslim country and these people have been trying their best as well by raising the public awareness in Egypt using the free media that sprang after the 25<sup>th</sup> January revolution that toppled the dictatorial regime there.<sup>147</sup>

## Deaths

In the Sinai the meaning of death and life changes. Hostages explain how their experiences in the Sinai affect them so deeply that a longing for death replaces their longing for survival:

In the Sinai, I preferred death rather than life; I prayed for death in a similar manner that I prayed for life.<sup>148</sup>

Death in the Sinai is intertwined with torture. The impact of the torture is to threaten the hostages and to increase the pressure on them and on their contacts to collect the money for their release. As the amounts of ransom are increasingly larger, the hostages have had problems convincing relatives that their plight is real. The severe torture and threats of death help convince the outside world that the ransoms asked for are real:

... They asked for USD 20,000 on our life. “If you don’t pay, you will be killed”, was their instruction. They tortured us, beat us with strong sticks, electrocution, and other forms of violations. Then we asked them to give us more time to collect the money. We have stayed for four months in a similar manner. Those who were called for assistance don’t believe us. Even

relatives run away from us, because at the time no one was aware of such situations. They never have heard of a ransom of USD 20,000. For example, I have an uncle in the US and he was surprised when I told him, and his reply was such sum of money is beyond his capacity. I tried my best to explain to him, but he could not understand it. With time, they started to understand and were approaching us to discuss how they could assist. At that moment our choice was to die, not to be freed.<sup>149</sup>

Killing is used as a threat (and carried out regularly) to make the hostages comply with the demands, especially to come up with the ransom money. An example of such a threat is:

They have promised us that at least four of us will die as an example during torture.<sup>150</sup>

From the interview transcripts, the torture that is carried out when the hostages speak to the outside world clearly transpires. At the same time, killings are also carried out to dispose of people who can no longer be financially exploited. Hostages explain how the people from whom no more money can be extorted are killed by the traffickers, to serve as an example to others:

What they say is, if you pay we will put you in our head and if you don't pay we will put you under our foot. There are two choices, the one that pays will be released and the other who doesn't pay will go to eternal life.<sup>151</sup>

The traffickers show no respect for the dead. This hostage explains:

More than six have died. They say that if a person dies, they consider it just as if a dog dies. They throw the dead body outside: especially the guards never bury the dead body.<sup>152</sup>

The bodies are disposed of without any dignity. According to the press agency Associated Press (AP), Egyptian security officials, speaking on the condition of anonymity in line with police rules, said that:

[A]s many as 100 bodies belonging to African refugees were found in the Sinai desert last year [2011], with many of the deaths resulting from dehydration, starvation and torture.<sup>153</sup>

The CNN documentary also shows bodies found dispersed in the Sinai.<sup>154</sup> Some are left to rot in the sun.<sup>155</sup> Alganesh Fessaha gave an eye witness account in the European Parliament on 19 June 2012 in which she spoke of having seen a large number of corpses of African migrants in morgues in Cairo and showed pictures to substantiate her report.

### **Torture resulting in death**

Torture is so violent that it sometimes ends up in the death of the hostage,<sup>156</sup> even when the tormenters do not seek the death of their victim.<sup>157</sup> Some of the hostages spoke of horrific cruelty, for example, D:

Yes, there are dead; H was killed in a very inhumane manner. They put stick in his ass and then poured a hot tea by a plastic pipe in his ass. His body colour divided into two, partial black and partially red. Within two days of arrival in this house he was dead. We saw the throwing of three persons into a water well covered by blankets.<sup>158</sup>

Hostages also die from torture by beating and hanging. A hostage related what happened:

They suspended us on those corrugated metal sheets. They were beaten for three days and three nights while they were hanging there. Everyone came and hit us, so on the second night one of us died, so they untied him down and those two others were almost lifeless at that point in time and they took them down and told us later that they died.<sup>159</sup>

There are a large number of deaths. The interviewees regularly report that two to six people have died. Sometimes people are left for dead, but miraculously survive:

They left her because they thought that her life has passed away. Otherwise they could have killed her. [...] they beat her head and other parts of her body, and they also burned her. She was in a coma and they thought that she died and covered her with a blanket. Fortunately, the car did not come for 24 hours [the car to take the corpses – eds]. ...When she stayed a day and a night she started to make a movement. Then they realised that she is alive and gave her some medical treatments. ... Then they brought her to our room.<sup>160</sup>

Sometimes the hostages report that people are killed while they are being tortured. In two days, four people died from one of the groups, and a fellow hostage described the circumstances leading to their death:

They were torturing us asking us to pay the ransom. And finally yesterday they put water on those two and electrocuted them to death.<sup>161</sup>

### **Disposing of hostages who cannot pay**

When kidnappers realise that a hostage cannot pay, the prisoner becomes useless, which often leads to the death of that person.<sup>162</sup> Hostages who cannot pay are murdered as examples, for example, the case of D, who was shot in front of the other hostages:<sup>163</sup>

Well, they are continually threatening us. Whatever the case may be, we have told the hostage takers that we have no update, we have not made any progress in terms of the request for ransom that they have made. We were told we were given enough time, three days and now they think we are stalling. So they killed him before our eyes. [...] [They killed] a man called Daniel. [...] They murdered him with a gun before my eyes.<sup>164</sup>

### **Death resulting from retribution**

Hostages are also killed in retribution for comments made by relatives:

Her uncle from the diaspora told them to go to Sudan; they had never had a plan to go to Israel. But they kidnapped them and brought them here. Her uncle promised to pay the ransom and the kidnappers didn't touch them and after four days when they called him, he said why don't you earn your living by working rather than kidnapping innocent persons. They hanged the boy for two consecutive days then after he died. The other of the two also died in the same night with him.<sup>165</sup>

### **Death, suicide and escape**

A young Ethiopian young boy of 14 begged for help:

Please give me the number of someone who can help me, please find any Ethiopian who is willing to help me. Who is going to bury us here when we die? We couldn't find anyone who is willing to help us here. I can't stand properly because of their torture. [...] They only give us



meagre bread every five or six days! I have been tortured for the past 9 months. And I became more hopeless when my friend T left. What can I do, I can only beg people. No one calls me, you are the only one who has called me. I don't have anyone to call and ask for help. Please help us. We are asking you. [...] What can we do, until that day arrives in which we die.<sup>166</sup>

Some have lost hope:

We have lost hope. What is the point. [...] Our only hope was to help our family. It's unbearable... one hits you from one side, another shoots at you from another angle... I really don't know what to say.<sup>167</sup>

There are reports of suicide in the interviews:

I am one of those people who have been disabled, do you understand? I'm given the final warning to pay the money on Sunday. I am someone who no longer has hope. We have come to hate lies. We don't find any chances to do it, but it's much better to commit suicide here. Because it is pointless, we are not going to live and see another day whether we pay the money or not, they have incapacitated every limb we have. We are in a stage where we yearn to die, because the man can't go anymore.<sup>168</sup>

R worries whether, if he ever becomes free, he will be able to live as a human being again:

We are living in hope for something better, but I don't think I can come out of here human. The level of torture and beatings we have to endure makes us wonder if we will ever come out of here and be able to lead our lives like human beings again.<sup>169</sup>

Death becomes the only escape for the hostages, and the longing for death is expressed often in the interviews. The hostages also speak of a longing for suicide, but it is difficult to carry out suicide as they are chained and kept on the verge of death, so lack the strength. Even the relief of death is out of their control. Trying to commit suicide becomes a deed of empowerment. Death and escape are often linked in the desire to regain some control over their lives, even if the chances of successfully escaping are nil. The relationship between death and escape becomes very clear, in this attempt to commit suicide collectively:

There was another group [...] as we were in the corridor, and this group decided to kill each other. We never talked, I have come to know this later. But just they were quite clear of their plan for killing each other and left it to the creator, God, to decide.<sup>170</sup>

In death, these hostages hope to find liberation and dignity before their creator.

### **Disappearances**

Ongoing rumours of organ harvesting related to Sinai trafficking are fed by the high number of disappearances reported of people who have never been found. For her radio programme, Meron Estefanos keeps a list of disappeared people, and invites listeners to provide information on missing people. She estimates that she has received information relating to a conservative figure of around 4,000 missing. Through her radio programme, she has found some of them in prisons and detention centres in Egypt where many of Eritrean and other refugees and migrants are held. In the week of 10 September 2012 she found 130 people in an Egyptian prison.

## Translators and collaborators

Some hostages are asked to become translators and work with the kidnappers, even as torturers. This can present a dilemma, although R did not find it a difficult decision:

I don't think they are forced to do it. When I was working with them as a translator, I was told to do so, but I flatly refused on the grounds that they will kill me once we get out of here. It is better to be killed by torture, than by someone I tortured, I thought, and decided to never engage in such activities. So they don't really force you to torture, there's no point in that, there are other Bedouins who are paid to torture.<sup>171</sup>

One hostage who escaped subsequently became a collaborator with the traffickers and inflicted sadistic torture on the hostages. He reportedly fell into disfavour with the traffickers after four hostages died of torture by electrocution.<sup>172</sup> Aside from the Eritreans who trap their fellow nationals and sell them to traffickers, Eritreans are also assisting the Bedouin jailers, as reported by some hostages interviewed.<sup>173</sup> Tigrigyna and Arabic speakers are also working with the traffickers. Sometimes the religious and language proximity of the Muslim Eritreans is a way of releasing themselves from the worst kinds of treatment. Here a former hostage speaks about a fellow hostage:

He also speaks Arabic and furthermore he told his willingness to work with the kidnappers; and he also became very close to the hostage-taker because of his religion.<sup>174</sup>

In some situations the hostage-takers recruit from among their captives. The hostages interviewed reveal that the ones that speak Arabic are used as translators by the hostage-takers. In this interview, B left his group to help the traffickers, as explained by a fellow hostage:

As he speaks Arabic, and, so, I am assuming they will use him as a translator.<sup>175</sup>

When there is no Eritrean working for the Bedouins, they use the ones that speak both Arabic and Tigrigna for translation. R is seen by fellow hostages as a person who translates for all of the hostages in Arabic, but he was tortured like the others,<sup>176</sup> apparently because he did not seem to want to collaborate with the torturers.

After leaving the Sinai, some Eritreans are recruited by the hostage-takers to collect the ransom money. This Eritrean resident of Tel Aviv was arrested by the International Crimes Unit of the Israeli Police for raising money among African migrants and laundering it before transferring it to a Sinai-based terror group.<sup>177</sup> Reflecting on this situation – in which Eritreans are targeted as hostages, and vast amounts of ransom are collected by the Eritrean relatives, while other Eritreans are involved in the collection of the money and in giving assistance to the kidnappers – R observes:

One could ask why are such things and misfortunes only happening to Eritreans, why not to Ethiopians or nationals of other countries. But the main reason is that the ones who are helping them do all this are Eritreans. Ever since 2006, lots and lots of Eritreans have crossed to Israel, and the Bedouin believe that any Eritrean they capture will have a brother or sister or close relative in Israel who is capable of making the payments. The ones who are helping them perpetuate such crimes are Eritreans. I mean, it would have been comforting for us to know at least that our money is in the hands of other Eritreans, but they are paid meagre amounts and they put their lives at risk.<sup>178</sup>

## Chapter 5: Solidarity, humanity and life after Sinai

### Solidarity among the refugees

In some of the interviews, solidarity between the refugees is very visible. They look out for those who are losing hope and help each other:

We are helping one another, please do something for us.<sup>179</sup>

And pointing to the importance of contact with the outside world and the interviewer, he asked:

This girl wants to talk to you. Please speak to her. It would make her hopeful.<sup>180</sup>

The refugees held as hostages report that they strategise in relation to the ransom – trying to set free the weakest among them first:

We have people here who are almost dead. We are hoping the money we collect from our brothers and sisters will first be used to buy the freedom of those who are totally unable to [raise the money].[...] So regarding the calling cards and the phone, we have given priority to those who are closer to death to make as many calls as they want to get the money. Some of them have almost paid, even though they won't be healthy anymore, they are almost dead from the torture.<sup>181</sup>

A group of refugees held hostage contributed to the ransom for the release of three children among them aged between 11–13 years:

Everyone contributed to their ransom money as they were the needy ones. So they have been freed and went to Israel.

One of these three children cannot leave from the Sinai. He has become mentally ill and is in bad condition, but the hostage takers will not release him unless additional money is paid.<sup>182</sup>

One of the refugees who was finally released and knows the importance of outside support, keeps in touch with the refugees held hostage in the Sinai:

I am spending all my money calling back those who are left there and checking on them and telling them to be strong. I am doing everything in my capacity to help those who are back there. It is my moral duty, because I know the life I had there.<sup>183</sup>

He did this because he himself had experienced how much it meant to receive calls from those outside:

Someone who was caught with us was able to meet the payment in the first week, and he called us right after, and again and again and kept telling us that things are going to be better; we just needed to hear those words of comfort.<sup>184</sup>

There are also refugees held hostage who after their release and arrival in Israel, work and contribute to the release of the refugees left behind.<sup>185</sup>

### Relationship with the Bedouins

The refugees held hostage are held in the houses of the hostage takers, as described by D:

He [the boss, eds] lives in the palace while the hostages live in the garage and service. This is what our life looks like.

In this location, the wife of one of the kidnappers looks after the refugees in small ways. D tells the following in relation to the wife of the 'boss':

His wife is kind and provides us water, and she said to the guards you atheists and bastards.<sup>186</sup>

However, she is corrected and subsequently can only visit the hostages secretly. Also the children of the 'boss' are involved, seeing the refugees in chain and hearing their shouting when they are being tortured:

There is an eight year old son by the name of Omer and he orders us through the window to raise our arms. The kidnapper beat his wife several time and now she avoids coming; she only visits us in his absence. The children saw us. They are below ten.<sup>187</sup>

With regards to communications, in some hostage groups there are some who speak (a little) Arabic and can communicate with the kidnappers; in other places Eritreans are among the guards and translate for the refugees.

### Help from outside

The telephone calls from outside are important to the refugees held hostage; it is important to be able to talk to the outside world and for the organisation of the ransom. Talking to people outside keeps hope alive. It is also important for the refugees held as hostages to be able to connect with their families. A, who seems very depressed, asks:

Now please get on with it and help us. [...] If not, you can call our families and break the news of our deaths to them. And please call us from time to time, it would mean a lot to us.<sup>188</sup>

Some show amazing understanding of the ignorance and the lack of support from the outside world. This is the reflection in hindsight made by one of the refugees who finally made it to Israel, after enduring horrific torture in the Sinai:

It is impossible to expect people to pay up for us, even if they are very close relatives. Unless you have left some money with someone and instructed them to pay if something happens, it is hard to ask people for everything they have. I have seen lots of people abuse the trust and ask for money from their relatives, saying that they are kidnapped. There were many such ruses in Ethiopia, Khartoum and even Israel. So it is acceptable that some people might not take this at face value.<sup>189</sup>

### Escape

In the interviews, the stories of escape are about escape from the Sinai. This is because the interviews focus on refugees held captive in the Sinai. However, in some of the interviews, the refugees held hostage explain why they did not escape on the way to Sinai. The reasons given are

that they did not know how bad the torture in Sinai was going to be and due to fear generated by the ongoing beatings along the way, hunger and general fatigue. They were also guarded and watched at all times.

Escaping is very difficult. A group tried to escape with their chains on, but unfortunately just managed to crawl a distance of 50 metres. In subsequent days, the members of this group endured unimaginable torture as punishment. In order to escape refugees need to cooperate very well together and organise and agree on their plan:

We discussed what to do. We planned to run away by opening the door and we were looking for a key. There was a friend beside me by the name of M and when he tried to open the chain, it simply opened, and the same also for my chain. We planned for M to give me [cover] as two Bedouins were inside and two outside. You throw the key to me and I will open it and then kill them. When M left, the two Bedouins and the dealer [...] closed the door from outside. The key was lost and we did not succeed, so the operation failed. And then the torture intensified and blood was pouring like water.<sup>190</sup>

The only opportunity for prisoners to escape is when they are left for dead.<sup>191</sup> A few escapes are reported in the interviews. For instance, A:

After the day you called me, something bad happened. I was really sick and they sort of left me to die. I couldn't take it anymore with all the torture and the beatings. They dumped me later on and I was able to escape. One man found me and took me to the hospital.<sup>192</sup>

The other refugees held hostage explained that A was very sick and had fits and tremors. She did not know what happened to her after the Bedouins took her. They had dumped her body in the desert, thinking she was dead.

I was unconscious for quite some time and they thought I had died, so they dumped my body.<sup>193</sup>

They took her to a place, 20 minutes from the place where she was held, and dumped her with the corpses of the people she knew, who had already died. She spent three days there before she was found. She was found by a man who brought her to the hospital where she stayed for two weeks. She was then transferred to another location, from where she was able to go to Israel. The men who saved her helped her go to Israel.

The following story demonstrates the role of a collaborator in helping a group of refugees in the Sinai to survive:

M was cooperating with us; he is gentle. They were always beating us to know the amount of money collected. They would ask for more money and say, you are delayed. M was giving them wrong figures and was telling the kidnappers about the efforts made in collecting more money. [...] He was kidnapped from the Sudan with us, we considered him as our brother, and he was baking bread to feed us. His eyes were open, he was moving from one place to another to deliver messages to the owners, to give telephones.<sup>194</sup>

The interviewee goes on to tell how this collaborator from Sudan planned, with two Muslim refugees who were interpreters and had less restrictions, the escape of the entire group:

They found keys and unchained 21 persons, if the lock did not open, they were trying to find other keys. Anyway it took two days to unchain all of us.<sup>195</sup>

Then, the story of the escape:

Two or three were left chained because they could not find the key. Anyway, when everybody was unchained [...] we widened the chain and at 19:30 we ran to escape. Everyone removed his chain, they were planning to chain the guards, and also we had plans [to help others in another room escape]. [...] The only option that we had was to run and escape and all of us went outside the compound, the guard who was in front, collecting peaches saw [us] and [...] informed the boss by telephone, and his eyes were open unlike ours closed [all the refugees had been severely beaten in their face and could not open their eyes]. [...] He was focusing on M [the translator] who also had his eyes open and was coordinating us. He was calling M repeatedly. M was his focus. Eight of [us] were in a relatively good condition, because they transferred USD 15,000 and had recovered from their sores as they had been resting for two days: they were trying their best to defend by throwing stones. Some of us were very tired and were hiding in the trees and those of us, the nine people, were scattered in different places, we were fatigued, we can't run, we are almost dying and our body was sore. Then I saw M being captured by a guard.<sup>196</sup>

M, the courageous interpreter who helped the refugees escape was captured and severely beaten. The kidnappers searched for the refugees and eight of them were recaptured.

They were moving very near to me several times, but it is the will of God that I was saved. His car was almost touching my body.<sup>197</sup>

The refugees who escape that night eventually made it to a store and were guided to a sheikh, also referred to as the 'good Bedouin', where they found six other refugees who had also escaped. Two of her group escaped chained together. At the time of the interview, M had arrived in Israel, 6 of the 8 refugees who escaped had died. The 'collaborator' M, was severely punished and his hand cut off.<sup>198</sup>

### Life after Sinai

Once released, the refugees are still not safe. R, who finally made it to Israel, describes the risky crossing to Israel that followed his release:

I did not think I would make it out alive. My captors simply took me to the fenced side of the border and told me to run. You have a fifty-fifty chance of being shot or making it.<sup>199</sup>

The refugees have to climb over two high fences, which can be difficult after the torture they have endured. Those who manage to get to Israel, or Cairo, still find it very hard to cope. Without money or financial support, and without medical and psychological attention it is hard to survive. Finding work is difficult, especially as they also need to recover. A, who managed to get to Israel, assesses her situation:

My situation at present and back then is incomparable. [...] Life is hard, rent is expensive and all that until you start working. And I haven't been able to get a job because of my sickness and all. [...] I have become distant and disturbed by what transpired back then. I sometimes doubt if I will be sane.<sup>200</sup>

One particular story is poignant. A, one of the refugees who came to the Sinai in the third group, was only 19 when he was taken hostage. He eventually collaborated with the Bedouins and became one of the most vicious torturers of his fellow refugees. He tortured 150 people. Among them, his own uncle (which he did not know). Eventually he got out and made it to Israel. There he would

faced his own worst nightmare – the possibility of meeting those he had tortured. He now stays indoors 24 hours a day in a prison he has created for himself. One day B, one of his fellow refugees, decided to go and see him. B realised that A was tormented. Scared of death and his family refusing to pay for him, he had made a choice that he would forever regret. He told B that his real torture started when he came out of Sinai and would remain with him for the rest of his life. B forgave him and begged him to not commit suicide and to live.

B says that he only grasped the nature of life and death when he came out of the Sinai:

In the Sinai everyone wants to die. We were happy when people died. We were happy for them. Only now, In Israel, have I started mourning and started to understand death, as only now we can live.<sup>201</sup>

### Trapped between Israel and the Sinai

Those for whom ransom has been paid are facilitated to cross the fence at the Israeli border. If they succeed, some are shot by Israeli soldiers. Others remain captive between the barriers. On 5 September 2012 the following article was circulated by the Hotline for Migrant Workers in Tel Aviv:

It was published today in the Israeli media, that the IDF [Israeli Defense Forces] is preventing the entry of a group of about 20 Eritrean asylum seekers who are trapped between fences on Israeli soil next to the Egyptian border. The asylum seekers have been trapped there since Thursday and the IDF is not providing them with any food. Two of the asylum seekers are women, one of them was pregnant and had a miscarriage in the past few days. The soldiers provided the Eritreans with tarps to cover themselves from the baking sun. The soldiers have been ordered to give the asylum seekers “as little water as possible”.<sup>202</sup>

Subsequent reports describe how the refugees are harassed by military from the Egyptian and the Israeli side:

The soldiers who’ve been stationed in the area said they feel uncomfortable with the instructions [they were given] to provide the infiltrators only bread and a small amount of water. “They guys in the field still give a little more than what we’re allowed to. When we can, we also give them packaged meals,” said one soldier. “This is not a good feeling. It’s very emotionally hard for people, and there’s been cases when things got heated. When they go back to Egypt and we don’t know what is happening with them. We try to make them think that it’s all okay. So that they are as calm as possible and don’t try to run off.”<sup>203</sup>

There is no stronger image than that of the victims of trafficking escaping their ordeal, sitting between the two fences of the Israeli border and Sinai:

After an order was given to not provide the infiltrators with food, IDF soldiers chased them away from the border using riot dispersal means, which included tear gas grenades and sun grenades. The members of the group fled, and absurdly, managed to infiltrate Israel from a different point. After they crossed the border, the IDF picked them up and now they’re staying at the Saharonim facility, run by the Israeli Prison Services.<sup>204</sup>

After the recently released second CNN documentary shown as '*Bedouin leader stands up to traffickers in Sinai*' on YouTube, MK Orit Zuretz (Kadima), Chair of the Knesset Sub-Committee on Trafficking in Women, responded by stating that:

Once these migrants cross the border into Israel, they receive immediate help: they are interviewed by people who speak their language and have received special training to help them relate to the migrants' physical and mental state and to their cultural background. The professional team in charge is aware of the fact that their cultural background often prevents the women from reporting incidents of rape from fear of how they will be treated by their own people if this becomes known. As part of the general medical tests the migrants undergo, there is a special section for women where pregnant women receive special treatment and if they desire it, can undergo abortions funded by the state.<sup>205</sup>

The response did not address the issue that the released hostages are no longer allowed to enter Israel, and if they do, are sent to detention facilities, where they await deportations, despite the insecurity they face if forcibly returned. Groups, such as the Hotline for Migrant Workers, insist that the statement is well-meaning, but not reflecting the very difficult reality in which the refugees and former hostages find themselves, when they arrive in Israel.<sup>206</sup>

### Policy in Israel

Israel has ratified the Convention on the Status of Refugees and its Protocols, with reservations in relation to Article 8 (Exemption for Refugees from Exceptional Measures) and Article 12 (Personal Status of the Refugee). Israel is also party to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women and to the Convention against Transnational Organized Crime and its Protocol on trafficking in persons, but not the Protocol on the smuggling of migrants.

As a result of the growing number of migrants and asylum seekers in Israel, the policy in Israel has hardened. Despite being a signatory to the Geneva Convention, Israel has recently taken stringent action, including:

- a new law which labels illegal migrants as 'infiltrators';
- the building of new detention centres to detain increased numbers of illegal migrants;
- the building of a fence on the border with the Sinai; and
- the forced return of refugees to Egypt and the Sinai.

The Universal Periodic Review for Israel describes how "Until June 2012, individuals identified as Sudanese and Eritrean citizens have been receiving *de facto* 'group protection' in Israel, directly registered with the Government and were released from detention. They received renewable four-month 'conditional release from detention' visas, allowing them to legally and temporarily reside in the country."<sup>207</sup> In January of 2012, the Knesset (the legislative branch of the Israeli Government) approved an amendment to the Prevention of Infiltration Law of 1954, called the new 'Infiltrators Law'. In June 2012, the Israeli Ministry of Interior began implementation of the amended Prevention of Infiltration Law, which, according to the Periodic Review "imposes long term detention for all individuals who enter Israel irregularly as they are considered 'infiltrators' under the law, including asylum-seekers. All persons who arrived after 13 June 2012, are being detained under the new law for a period of three years or until their deportation."<sup>208</sup> The Periodic Review expresses concern that



Asylum-seekers outside of detention and in the asylum procedure are provided a three-month 'conditional release' visa while their refugee claim is being reviewed. Asylum-seekers do not receive a visa once their claims for refugee status have been rejected by the Government, even if they appeal to court. Many others remain for long periods of time without a visa, as the visa renewal system is not efficient. The 'conditional release' visa does not allow holders' access to basic services, healthcare or to lawful employment.<sup>209</sup>

Human Rights Watch has criticised the amendment stating that the purpose was "to define all irregular border-crossers as 'infiltrators'".<sup>210</sup> Human Rights Watch expressed concern that

The law permits Israeli authorities to detain all irregular border-crossers, including asylum seekers and their children, for three years or more before their deportation. The law also allows officials to detain some people indefinitely, even if border control officials recognize they might face persecution if returned to their country.<sup>211</sup>

Physicians for Human Rights – Israel criticised the amendment, arguing that the law is in clear violation of international legal standards and of the conventions that Israel has signed as it prevents immigrants from exercising their right to ask for asylum or for recognition of their refugee status. It labels all irregular immigrants as "infiltrators" and "threats to the country's security", without establishing whether or not this is in fact true through due legal process.<sup>212</sup> A court case was reported in February 2012 in the newspaper Haaretz with the heading: 'Israeli judge: The state is risking the lives of Eritrean refugees. Israel has special classifications known as 'Ethiopians of Eritrean origin' and 'mixed Ethiopians' that are causing problems for the refugees.' It was found that Eritrean refugees were classified as 'Ethiopians of Eritrean origin' and 'mixed Ethiopians', which gave the State of Israel reason to deport Eritrean refugees to Ethiopia, regardless of the evidence presented by migrants to prove their citizenship of Eritrea.<sup>213</sup> By April 2012, at least 58,088 asylum seekers had entered in Israel, originating mainly from Sudan (25.91%) and Eritrea (56.46%).<sup>214</sup>

## Chapter 6: Framing the refugee situation as human trafficking

### Introduction

The question remains to what extent do the practices described by the refugees being held hostage in the Sinai qualify as trafficking in persons. Obviously there is no clear-cut answer to this question, considering the variety of stories told by the refugees. But based on the analysis of the stories presented in Chapter 2, 3 and 4, the refugees have been categorisation as follows:

- kidnapped (and subsequently sold or surrendered to Bedouins)
- smuggled (initially voluntarily, but who were sold or surrendered to Bedouins).

Once in the Sinai the refugees are held as hostages and subjected to severe torture. In the following sections we will try to apply these situations in the context of trafficking in human beings.

### Legal framework for human trafficking

The United Nations Convention against Transnational Organized Crime (UNTOC), which was adopted in 2000,<sup>215</sup> has three protocols, two of which deal with trafficking and smuggling: the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children' and the 'Protocol Against the Smuggling of Migrants'. So far, 171 states are party to the Convention, including Israel and Egypt, while its protocols have been ratified by 152 and 133 states respectively.

The UNTOC defines 'trafficking in persons' as:

[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>216</sup>

Based on this definition, it has been widely recognised that trafficking in persons consists of three elements: the **recruitment** (including transportation, transfer, harbouring or receipt of persons) by means of **threat or use of force** (also including other forms of coercion, abduction, fraud, deception, abuse of power or position, etc.) for the purpose of **exploitation**.

Although the coercive element was seen as the main element in the crime when the protocol was adopted, it needs to be stressed that, strictly speaking, the coercive element in the definition refers to the recruitment practices, not to the exploitation. Although, the forms of exploitation described in the definition involve an element of force or involuntariness (forced labour, slavery, exploitation in prostitution), it is not necessarily a constitutive element of exploitation. Even stronger, the exploitation does not necessarily have to have already taken place to be qualified as trafficking in persons. Although difficult to prove in cases where the exploitation has not been realised, exploitation as a motive is sufficient. Furthermore, what exactly constitutes this crime largely depends on how this definition is translated into national legislation. In this report, we mainly refer to the internationally adopted definition, as not all of the countries where (part of) the reported practices take place have signed and ratified the trafficking protocol.<sup>217</sup>

### **Relationship between trafficking and smuggling**

Smuggling concerns, in short, facilitating illegal entry into another country for financial or other gain, and is defined in the Smuggling protocol as:

... [T]he procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.<sup>218</sup>

Crossing a border is a necessary element of the crime of smuggling, whereas force is not. However, although, two separate crimes, smuggling and trafficking in persons are linked in the sense that something that starts as a case of smuggling can turn into a case of trafficking in persons. For instance, if the smuggled person has a debt s/he needs to pay off, the work is arranged by the smuggler, the smuggled person works without being paid or is paid little, and the debt doesn't decrease, or decreases only slightly. In this way, the smuggled person is captured by the smuggler and the situation turns into a case of trafficking in persons. Another possibility is that what seems to be a situation of smuggling is actually a case of trafficking, as the person is misled as to the intentions of the smuggler and is not aware of his/her aim to exploit them.

### **Trafficking for the removal of organs**

As follows from the definition in the Trafficking Protocol, exploitation can consist of the removal of organs. Little is known about this form of trafficking.<sup>219</sup> There have been cases of trafficking for the removal of organs reported, for instance, in South Africa and Jordan and some other countries, but much remains unknown. Trafficking in persons for the removal of organs must be distinguished from the trade in organs itself, which is also illegal if regulations are not followed and which can follow a case of trafficking in persons for the removal of organs, but does not always. Looking at the medical care required in cases of transplantation and the fact that these have to take place within a short period of time after the removal, a sophisticated infrastructure (removal, preservation, transport and transplantation) is required for this form trafficking in persons. Although research indicates that the forced removal of organs takes place in the Sinai, further information and research is required to find out whether or not, and to what extent, trafficking in persons for the removal of organs does take place in the Sinai.<sup>220</sup>

### **Application of the legal framework**

Based on the interviews and other sources, at least the following forms of trafficking in persons are currently taking place in the Horn of Africa.

#### **Trafficking in persons for the purpose of debt bondage and forced begging**

This refers to the cases in which people are kidnapped from the refugee camps or their surroundings, transported to Sinai and sold to Bedouins, and sometimes resold, and required to pay back the money paid for them while they are kept in debt bondage in the Sinai. According to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, debt bondage is defined in Article 1 as an institution or practice similar to slavery, falling within the scope of the description of exploitation within the Trafficking Protocol. In those situations the three elements of the trafficking definition are easily fulfilled.

The question of whether or not the practice in which the refugees held as hostages in the Sinai call their relatives for money is exploitation in the context of trafficking must be answered in the

affirmative. Forced begging has been explicitly included in the trafficking definition in some countries and has now been adopted as a possible form of exploitation in the EU Trafficking Directive (2011/36), thereby extending the trafficking definition.<sup>221</sup> Exploitation relates to a profit made at the expense of another person, and that is clearly happening in those cases.

### **Smuggling that changes into trafficking for the purpose of debt bondage and forced begging**

This refers to cases where people voluntarily entered into an agreement to be smuggled or transported to another place, but were misled by guides or kidnapped en route. These people then find out that the goal of the journey was different, that the guide or smuggler intends to make a financial profit out of the situation. By this time it is too late to withdraw from or change the situation. A situation that started out as smuggling ends up as trafficking, as these people are also forced to pay off a debt and subjected to forced begging practices.

### **Torture used for forced begging**

The interviews ascertained that the refugees who find themselves in the houses of the Bedouins are regularly tortured while begging their relatives to send money.

### **Torture and trafficking in persons**

To what extent can torture and trafficking be linked? Practices involved in human trafficking, both the forced recruitment and the exploitation, may amount to torture, or at least to cruel, inhuman and degrading treatment. This is recognised by both the Special Rapporteur on Torture and the Convention Against Torture Committee.<sup>222</sup> The definition of torture as provided in Article 1 of the Convention Against Torture comprises four main elements: the involvement of a public official, the infliction of severe pain or suffering, the intention of the torturer to inflict severe pain or suffering and a specific purpose for this act.<sup>223</sup> When applying this to the cases of trafficking in the Sinai, the first element might be problematic in cases where the trafficking is committed by a non-state actor (private person), which is often the case.

However, in this context, the positive obligations of a state include the protection of its citizen and the prevention of torture based on the principle of due diligence. If the state does not react to situations of torture that they know, or should know of, they can be held accountable for acts in the private sphere or committed by private persons. In relation to the Sinai, it is well known that the Egyptian Government lacks authority and enforcement. They have been called upon to restore the rule of law and security in this part of the country. This means that Egypt is currently not fulfilling its positive obligations to protect citizens and prevent torture.<sup>224</sup>

The second element – of causing any severe pain or suffering – relates to physical as well as psychological suffering. Without doubt this element is met in the case of refugees held as hostages in the Sinai. In addition, in relation to the third element, both crimes involved in the Sinai cases – torture and trafficking – are *dolus specialis*.<sup>225</sup>

In relation to the fourth element, the cases of torture in the Sinai are clearly intended to elicit information, and for intimidation or punishment; in cases of trafficking, it is used for the purpose of exploitation. One remark must be made here, namely, that exploitation in many cases includes an element of force, coercion, causing of severe pain or suffering, but this is not necessarily the case. Cases where torture is committed with the aim of obtaining ransoms from relatives, as reported in the interviews, providing for a clear purpose satisfying element four of the Convention Against

Torture. So depending on the circumstance, trafficking can in itself qualify as a form of torture, but in the reported cases the torture is made functional in the context of exploitation (namely, forced begging) as the ultimate goal of the trafficking.

#### **Torture not in the context of trafficking in persons**

In addition to the torture taking place in the context of trafficking in persons, practices have been reported that qualify as acts of torture, but without the aim of obtaining ransoms. The reasons for this torture vary from intimidation and punishment, to gratuitous violence. The rationale behind the reported practices cannot be absolutely understood, but generally seems to be perpetrated by sadistic individuals. However, the aim for which the torture takes place in the Convention is broadly formulated and can entail for punishment, intimidation or discrimination. What follows from the reports by refugees held hostage in the Sinai is that many of the torture practices are indeed undertaken for such aims and would, therefore, satisfy element four of the definition in the Convention Against Torture.<sup>226</sup>

Qualifying situations as torture (both in the context of trafficking and non-trafficking situations) creates an important advantage as many of the countries in which those practices are taking place have not signed and ratify the Trafficking Protocol. In those cases it is difficult to impose obligations on these states apart from those obligations that follow from the *jus cogens* character of slavery. In cases where the trafficking practices amount to torture, the obligations following from the Convention Against Torture can be imposed on these states. Apart from that, the prohibition of torture is a norm *jus cogens*, automatically creating obligations for all states even if they are not a party to the Convention Against Torture.

#### **Trafficking in persons for the removal of organs**

In 2011, the Coalition for Organ Failure Solutions (COFS) in Egypt released a publication reporting several cases of organ trafficking concerning Sudanese migrants. The victims suffered removal of their kidneys “either by inducing consent, coercion, or outright theft”.<sup>227</sup> The report states that refugees are targeted by organ traffickers, furthermore, the concern about organ trafficking in Egypt has also been raised by the World Health Organization, which reported in 2004 that Egypt is an important regional hub for organ trafficking.<sup>228</sup>

Trafficking for the removal of organs is also a source of tensions within the Bedouin community. It has been a reason for war between different tribes; some Bedouin tribes do not accept the involvement of other tribes in the organ market, and for this reason, the Nakhalwa and Tiaha tribes fought.<sup>229</sup> The Egypt Independent reported in June 2012<sup>230</sup> that the Al-Tiaha tribe attacked the Al-Nakhalwa tribe and even killed one of their tribesmen as they suspected their involvement in organ theft.

The Israeli journal, Haaretz, also reported on organ trafficking (not to be confused with trafficking for the removal of organs), in an article in March 2012 in the indictment of Yusuf al Qarnawi: “The kidnappers threatened that if were they not to receive the stated ransom in full they would remove their kidneys and sell them instead.”<sup>231</sup> This newspaper also reported on the issue in early 2012, in relation to the Sinai trafficking: “survivors say the smugglers either kill their refugees or sell their organs.”<sup>232</sup>

The interviews conducted for this report also show how trafficking for the removal of organs is used to threaten the refugees:

Well, we are telling the traffickers that we have no money. [...] So, now, about an hour and a half ago, they killed D [a fellow hostage]. Four days ago, they killed another named P. They removed his kidney and said they will be selling it. Now they have taken Daniel and murdered him as well – they are saying they will start selling our kidneys.<sup>233</sup>

While the killing of the refugees is clearly instilling fear, it is not clear from this account how the organs could actually be removed in such a way that they would be useable and tradable. The suggestion that the removal of organs is intended to create fear, rather than the organs actually being sold, is suggested by the explanation given by another interviewee of how the organs are removed:

In front of us, using knives. They use knives to remove their kidneys and murder them this way. We are constantly being threatened, being told if we do not present the requested money within 3 days, we will be killed and our kidneys sold.<sup>234</sup>

However, the hostage then explains in slightly more detail how the kidneys are removed, according to the threats that have been issued to them:

They are telling us that they will take our kidneys and sell them. They say if we don't present the requested money for at least 26 people they will take us to a doctor who knows how to remove kidneys. Then our body parts will be sold.<sup>235</sup>

Another hostage explains that the forced removal of organs was used to threaten her and her fellow refugees:

We need money as you need life and if you die, no problem, we sell your kidney [...] They were frightening us by talking like that<sup>236</sup>

Some of the interviewees of the Hotline for Migrant Workers also described such behaviour. AA, one of the traffickers, would call the parents of a hostage and explain to them that “if they don't pay they will kill [her] and sell [her] kidneys”.<sup>237</sup>

Such practices have also been mentioned by D:

We are saying we can't pay, we don't have the money. But they are saying we need to pay now, they are saying they will accept half of the payment. Unless we do, they're saying that they might take out our kidneys and get their money's worth.<sup>238</sup>

He continues to tell how someone was killed and his kidneys removed, supposedly as a threat:

He told them that he's unable to pay. So they took him out and killed him in front of our eyes. They knifed him in front of us just an hour and a half ago. They killed P 4 days ago, they killed him and took out his kidneys. I am calling you to ask you to call and inform their families. Let me ask the number .... They are saying unless we bring the money in within those days they will harvest our organs. [...] They're saying they're going to call the doctor on us, and harvest the organs of 23 people.<sup>239</sup>

An important indication that in some cases organs might actually be harvested for trading is the reports that the Bedouins take blood samples from the refugees.<sup>240</sup>

In Sudan, just after being kidnapped, a hostage was being told:

We will kill your daughter and sell her internal organs ...<sup>241</sup>

Another hostage tells:

They told that we can collect the money by selling your kidneys. [Interviewer: Did you believe that there is a human organ trade in Sinai?] Absolutely I believe. While we were seating, one of our group member told us that his eldest brother has been beaten and thrown after taking his kidney, he is in Ethiopia, I said very difficult to believe, but he assured me. Though I didn't see, but I believe its existence and I have heard repeatedly.<sup>242</sup>

Pictures taken from the morgues of Al Arish do show the signs of organ removal: the bodies are sewn together in the middle and on the side and the retina or eyes are missing. However, one could argue that if there is a sophisticated system of organ harvesting, it would be unlikely that bodies would be sent in the morgues. However, one could also hypothesise that it was not expected that anyone would come to inspect the morgues. More suspicion was raised that organ harvesting could be taking place in the Sinai when a refrigerator was found in a car that was involved in a fatal car accident. Organs were found in the small refrigerator box.<sup>243</sup>

Although reports from the refugees, as well as by NGOs working in the field, contain indications that people are trafficked for the (forced) removal of organs to and in the Sinai, further information and research is required to establish whether or not, and to what extent, trafficking for the removal of organs does exist in the Sinai. Looking at the medical care required in cases of transplantation, and the fact that these have to take place within a short period of time after the removal, a sophisticated infrastructure (removal, preservation, transport, transplantation) is required for this form of trafficking, firm indications of which have not yet been found.

## State obligations

Based on the human rights legal framework, the obligations of States in relation to trafficking in persons are framed in the 3-P paradigm: The **prosecution** (including the prohibition) of trafficking in persons, the **protection** of its victims and the **prevention** of this crime. For states to live up to their international legal obligation to combat trafficking in persons they need to take action on all these levels.<sup>244</sup> These obligations are angled into the human rights legal framework through the UNCTOC, but even if a state is not a party to UNCTOC, it can well be argued that the state is bound by these obligations as they arise from provisions such as Article 6 of the Convention of the Elimination of all

Forms of Discrimination Against Women (CEDAW) and Article 8 International Convention on Civil and Political Rights (ICCPR) on the prohibition of forced and compulsory labour and slavery. Furthermore, the prohibition of slavery is a norm *jus cogens* – peremptory norm recognized by the international community as fundamental to the maintenance of international legal order, regardless of whether or not there is any underlying written legal norm.

The Trafficking Protocol of UNCTOC aims to facilitate cooperation between countries to fight human trafficking by creating a standard definition of this crime to be applied internationally. Its signatory states commit themselves to implement the prohibition of this crime in their legislation and to adopt the necessary measures to prevent and fight trafficking in persons and protect its victims.

The Protocol against the Smuggling of Migrants by Land, Sea and Air promotes international cooperation against the smuggling of migrants, while protecting the smuggled migrants. It defines the smuggling of migrants as “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.<sup>245</sup>

The foundation of the international protection of refugees is the United Nations Convention Relating on the Status of Refugee<sup>246</sup> (the Geneva Convention). Adopted in 1951 by the United Nations General Assembly and entered into force in 1954, the Convention was initially designed to protect the refugees of the Second World War, until the Protocol Relating to the Status of Refugees<sup>247</sup> extended its application to all the refugees. The Geneva Convention establishes to whom the status of refugee can be applied. It defines a refugee as a person who, “for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”<sup>248</sup>, is not in his country of nationality and is unable to return there. The states that have ratified the Convention are bound to apply this provision to all refugees of any race, religion or country of origin. As mentioned already in the introductory chapter, the persons interviewed for the purpose of this report are not able to return home safely to Eritrea or Sudan. Although they may or may not have left their country out of fear of being persecuted, they now have such fear because they left, or because they refused to serve in the national service in Eritrea for instance.

States that have signed the Geneva Convention can expel a refugee from their territory only on proven grounds of national security or public order, after a due process of law. However, based on the principle of non refoulement, in no case can the refugee be sent to a territory where his “life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”<sup>249</sup> Refoulement or ‘push-back’ is the forced return of a person to a country where he or she faces persecution, torture and ill treatment.

Another convention that might be relevant in this context is the Convention Governing Specific Aspects of Refugee Problems in Africa was adopted by the Organization of African Unity (later the Organization of African Union) in Addis Ababa in 1969 and entered into force in 1974. The Convention supplements the Geneva Convention. It reiterates the definition of refugee as:

...every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former



habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.<sup>250</sup>

This Convention confirms the principle of non-refoulement and establishes the obligation for states that ratify it to receive and welcome refugees unable or unwilling to return to their country of origin for the abovementioned reasons, to provide them with travel documents and to cooperate with the United Nations High Commissioner for Refugees.

## Chapter 7: Eritreans entering the EU

### Italy

Over the past few years, migration has become increasingly dangerous. A series of measures taken by Western countries have rendered access to Europe more and more difficult. At the same time Libya, one of the preferred routes chosen by migrants to reach Europe, ceased to become a safe place for migrants. Every year thousands of people from the Horn of Africa flee their country and try to reach Europe through Libya.<sup>251</sup> However this route has deteriorated over the past year: this is due in part to a series of bilateral agreements with Italy, which have made it extremely hard for migrants to cross the Mediterranean Sea, and also in part to the fall of Al-Gaddafi, which has caused a rise in attacks and violence against Sub-Saharan Africans.

This situation seems to have had particularly negative consequences for migrants and refugees coming from the Horn of Africa, particularly from Eritrea as Eritreans constitute a particularly vulnerable category of migrants. An Eritrean refugee living in Rome explained:

Eritreans are smugglers' favourite people, because they know very well that if they go back to their country, it is over for them. So, when they hear that there is an Eritrean in the group, they know that it is going to be a good deal for them.<sup>252</sup>

Bilateral agreements existing between Italy and Libya have strongly contributed to rendering the passage through the Mediterranean Sea more complicated.<sup>253</sup> In both the 29 December 2007 and 30 August 2008 agreements, both countries agreed to collaborate and fight illegal immigration. The agreement gave Italian authorities the control of migration flows coming from Libya to the Mediterranean Sea.

As a consequence of this agreement, several incidences of refoulement at sea have occurred in the past years: many boats overcrowded with migrants, mostly from Eritrea, Ethiopia and Sudan, have been intercepted at sea by Italian authorities and sent back to Libya. Migrants were then handed over to the Libyan authorities.

A case of refoulement occurred on 6 May 2009,<sup>254</sup> when three vessels, occupied by 200 migrants, were intercepted by Italian authorities off the coast of Lampedusa (Sicily). The occupants were transferred to Italian military vessels, returned to Tripoli and handed over to the Libyan authorities. During the journey, Italian authorities did not identify the migrants and did not inform them of their final destination. This case was taken to the European Court of Human Rights and is known as the 'Hirsi Sentence'. The case originated in an application (No. 27765/09) against the Italian Republic lodged with the European Court of Human Rights under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms by 11 Somali nationals and 13 Eritrean nationals. It resulted in a judgement by the Court pronounced on 23 February 2012. In this judgement, 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 further considered that "all the information in its possession showed prima facie that the situation in Somalia and Eritrea posed and continues to pose widespread serious problems of insecurity."

The Court held that the Italian authorities did not properly register the persons involved and the procedure lacked adequate analysis of their personal situation, thereby violating Article 4 of Protocol No 4 to the European Convention on Human Rights, which prohibits the collective expulsion of aliens. Moreover, the Court held that by intercepting vessels on the high seas, Italy violated Article 3 of the European Convention on Human Rights, which prohibits “inhuman and degrading treatment”. The Court held that, with this operation, Italy extradited people who “risked being subjected to ill treatment in the requesting country”.

What makes the situation in Libya particularly dangerous for migrants is the complete absence of an asylum system. Libya is not a party to the Geneva Convention on the Status of Refugees (1951); as a result, Libya does not guarantee any kind of protection or assistance to migrants and refugees. The agreement between Italy and Libya was subject to polemics also because, while establishing the possibility for Italian authorities to return migrants to Libya, it did not mention the lack of refugee status and assistance in this country.

In a press release on 29 November 2010, the Italian Council for the Refugees (Consiglio Italiano per i Rifugiati) pointed out that existing agreements between Italy and Libya, and the current Italian policy of refoulement, have resulted in the search by migrants for alternative routes to reach security, such as the route through Egypt and the Sinai. Italy closing its borders in the Mediterranean Sea makes this business much more profitable for kidnappers and smugglers.

**Table 1: Total number of Eritrean asylum seekers reaching Italy (2005–2011)** <sup>255</sup>

Year	Number of Eritrean asylum-seekers reaching Italy	Comment
2005	1,965	
2006	2,369	
2007	2,515	
2008	1,858	
2009	1,735	Beginning of the operations of refoulement at sea by Italian authorities
2010	688	Decrease in Eritrean asylum-seekers
2011	505	Eritrea disappears from the top 6 list of nationalities of asylum-seekers in Italy

On 10 December 2010, the Italian Parliament and the Italian Council for the Refugees made an appeal to the European Union for a humanitarian evacuation of the refugees kidnapped and trapped in the Sinai. <sup>256</sup>

After the outbreak of war in Libya, and the fall of Al-Gaddafi, it seemed that the agreement between Italy and Libya had been rescinded. On 1 March 2011, on the occasion of a debate on the legitimacy of such agreement, the Italian Minister of Defence, La Russa, claimed a de facto suspension of the treaty as “the counterpart of the treaty is no longer capable to honour it.” <sup>257</sup> However, even after the Hirsi Sentence (February 2012), on 3 April 2012, a new agreement was signed between Libya and Italy. <sup>258</sup>

It has been argued that the practice of refoulement from Italy to Libya has aggravated the situation for migrants. The coincidence in 2009, of the start of refoulement under the Italy-Libya Agreement, the decreasing number of people crossing via the Mediterranean sea, and the beginning of the Sinai human trafficking crisis could suggest that the push-backs in the Mediterranean Sea have compounded the human trafficking crisis in the Sinai.

In response to the humanitarian crisis emerging from the Libya-Italy Agreement, António Guterres, the United Nations High Commissioner for Refugees, urged the European Commission on 20 May 2009 to convene a gathering bringing together Italy, Malta, Libya, the United Nations High Commissioner for Refugees and others to create a joint response to irregular migration across the Mediterranean Sea.<sup>259</sup> The High Commissioner referred to the EU Charter of Fundamental Rights, in line with the Universal Declaration of Human Rights, which guarantees the right to seek asylum from persecution, and the customary international law principle of non-refoulement precludes sending people back to situations where their lives or freedom would be jeopardised.<sup>260</sup>

### Europe

The European Union is working towards the creation of a Common European Asylum System (CEAS), harmonising the laws of its member states in order to grant equal protection to asylum seekers throughout its territory.<sup>261</sup> The CEAS will be built on three pillars: harmonised standards of protection, effective practical cooperation, and increased solidarity and responsibility among EU member states. Directives and Regulations have been issued and are being implemented in the 27 member states, the most important ones are the directive on reception conditions,<sup>262</sup> the directive regarding the procedure to obtain the status of refugee,<sup>263</sup> the directive on asylum procedures<sup>264</sup> and the Dublin Regulation.<sup>265</sup> The final goal is to have a European Union in which all refugees will be treated the same, and enjoy the same rights and protection, no matter which member state they are in.

The foundation of the CEAS is to have a definition of refugee that is accepted and recognised in all of the EU member states. With this aim, the European Commission has issued the 'Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted'. This Directive confirms the definition of refugee established in the Geneva Convention, giving a more precise explanation of some of its elements, and adds the concept of a person eligible for subsidiary protection: "a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm".

The Directive restates the obligation for EU member states to respect the principle of non-refoulement and establishes a list of rights that have to be guaranteed to refugees and persons eligible for subsidiary protection. These rights include freedom of movement within and outside the country, access to education, medical care and integration programmes.

The Directive also sets the standards for the assessment of the asylum application: the examiner has to consider the situation in the country of origin of the applicant, the documentation he has provided and the evidence of the threat of prosecution or harm in his own country.

The procedure for applying for refugee status is still different in every member state, being regulated by national law. However, the EU Asylum Procedures Directive establishes minimum standards to be applied by EU States, in order to make the process fair and efficient. According to the Asylum Procedures Directive, applicants have the right to be allowed to remain in the member state while their application is being processed, to be informed in a language they can understand. They also cannot be held in detention for the sole reason of being an applicant for asylum. Applicants have the right to appeal against a negative decision.

Asylum seekers can apply in only one European country. They cannot submit multiple applications in different member states. The criteria for deciding what state is responsible for examining the application are set out in the Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national, commonly referred to as the 'Dublin Regulation'.

The practices based on the bilateral relations between Italy and Libya, which were reviewed by the European Court of Human Rights in the Hirsi case, are clearly in violation of EU asylum laws. Based on Article 258 of the Treaty on the Functioning of the European Union, the European Commission is entitled to start infringement procedures if member states fail to fulfil their obligations under the treaties, which include obligations based on directives and regulations. In cases where member states, in violation of EU law, return migrants or refugees to states where they run the risk of being tortured or treated inhumanly, the European Commission should take action.

A second area where the EU is competent to take action against the practices voiced in this report is through its external relations policy. Currently the EU still has bilateral agreements with Eritrea although there is not a democratic government in place to distribute funds and aid within the community. While the EU is still very concerned with the human rights situation in Eritrea it has not reconsidered its relations with the regime nor has it decided to apply Article 96 of the Cotonou Agreement. This Article provides for the possibility to start a thorough examination and hold consultations with a state if that state fails to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law. Thus far this article has not been used.

In his opinion to the Hirsi case, Judge Pinto De Albuquerque summarised the responsibility of Europe by referring to Justice Blackmun (a former Justice at the US Supreme Court) stating that:

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. That is a very modest plea, vindicated by the European Convention on Human Rights. "We should not close our ears to it".

## Chapter 8: Recommendations

This report makes the following recommendations to bring to an end the refugee crisis in the Sinai:

1. **Egypt, Sudan, Eritrea, Ethiopia:** Cooperate in the fight against trafficking in persons and exchange information, preferably in cooperation with and through the channels of Interpol, with the aim to start criminal investigations against the perpetrators.
2. **Interpol:** Support the start of criminal investigations on the organisation of trafficking in persons in the Sinai.
3. **Europol:** Start gathering information on the practices signalled in the report on money flows from EU member states related to the ransom payments associated with the trafficking.
4. **The UN Monitoring Group for Somalia and Eritrea:** Investigate further the role of Eritrean officials in the organisation of trafficking in persons in the Sinai.
5. **The UN Monitoring Group for Somalia and Eritrea together with UNHCR and the High Representative of the EU Foreign Affairs and Security Policy:** Set up an action group with involved states in the complete trafficking chain, including source, transit and destination countries, in order to structurally address the refugee crisis and associated human trafficking problems in the Horn of Africa.
6. **UNHCR:** Ensure the security of refugees in the refugee camps including by:
  - Establishing reception units at the Eritrea-Sudan border
  - Carrying out an investigation into the traffickers and how they are organised, including those operating from within the refugee camps
  - Ensuring a secure environment within the camps, including by providing alternatives to firewood (cooking stoves or central kitchens), employment opportunities within the camps and schooling within the camps
  - Strengthening anti-fraud and corruption measures
  - Ensuring all refugees receive identity papers without payments
7. **Ethiopia, Sudan and Egypt:** Strengthen measures to protect refugees and migrants from being trafficked including improved policing, investigation and punishment.
8. **Egyptian authorities (in dialogue with Bedouin leaders):** Take measures to prosecute and punish the human trafficking network operating from the Sinai.
9. **All countries (including Egypt, Yemen, Libya, and Israel, and the EU member states):** Stop the refoulement of Eritreans on the basis of the justified fear of severe punishment of returnees.
10. **Israel, Egypt and the European Union:** Develop a post trauma support programme and reintegration programme for the victims of Sinai trafficking and torture and release them from detention centres and prisons.
11. **European Union:** Cease bilateral aid with Eritrea based on the serious human rights violations that are taking place, and which have led to the exodus of refugees from Eritrea, and commence a programme to support Eritrean refugees in Ethiopia and Sudan.
12. **European Commission:** Start infringement procedures based on Article 258 of the Treaty on the Functioning of the EU against States which do not comply with EU legislation by violating the principle of 'non-refoulement'.

## Images



Barbed wire fences like this one line some segments of the Egypt-Israeli border on the Sinai Peninsula.



Siblings (Tesfamichael, Merhawit, Fiory and Hiyab Bieday Rezene) held hostage in Sinai from July 2012 onwards and released on 3 September 2012, © Isayas Fitwi.



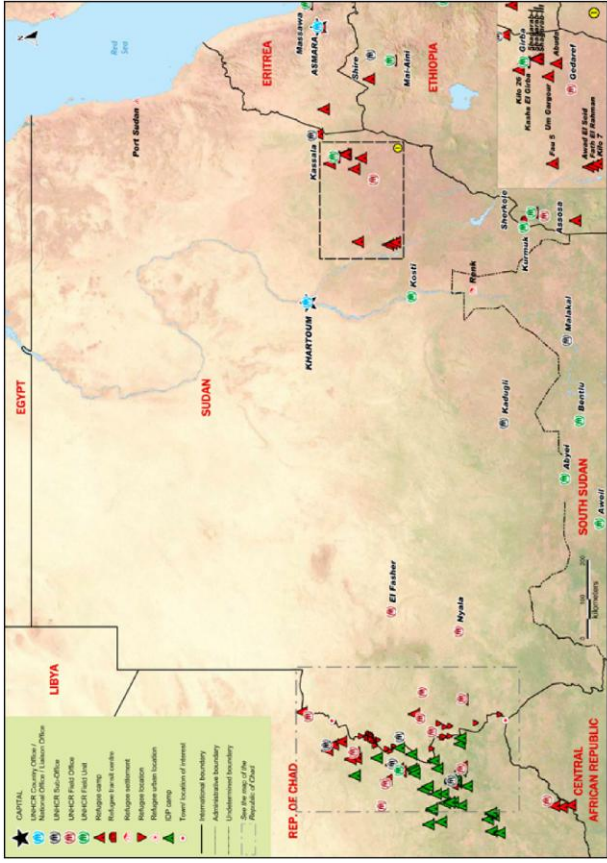
Migrants stranded at Israel's fenced border with Egypt.



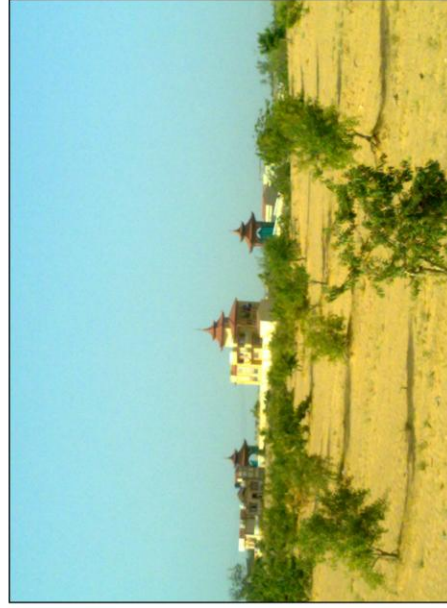
Father of the siblings (Bieday Rezene Hambeer).



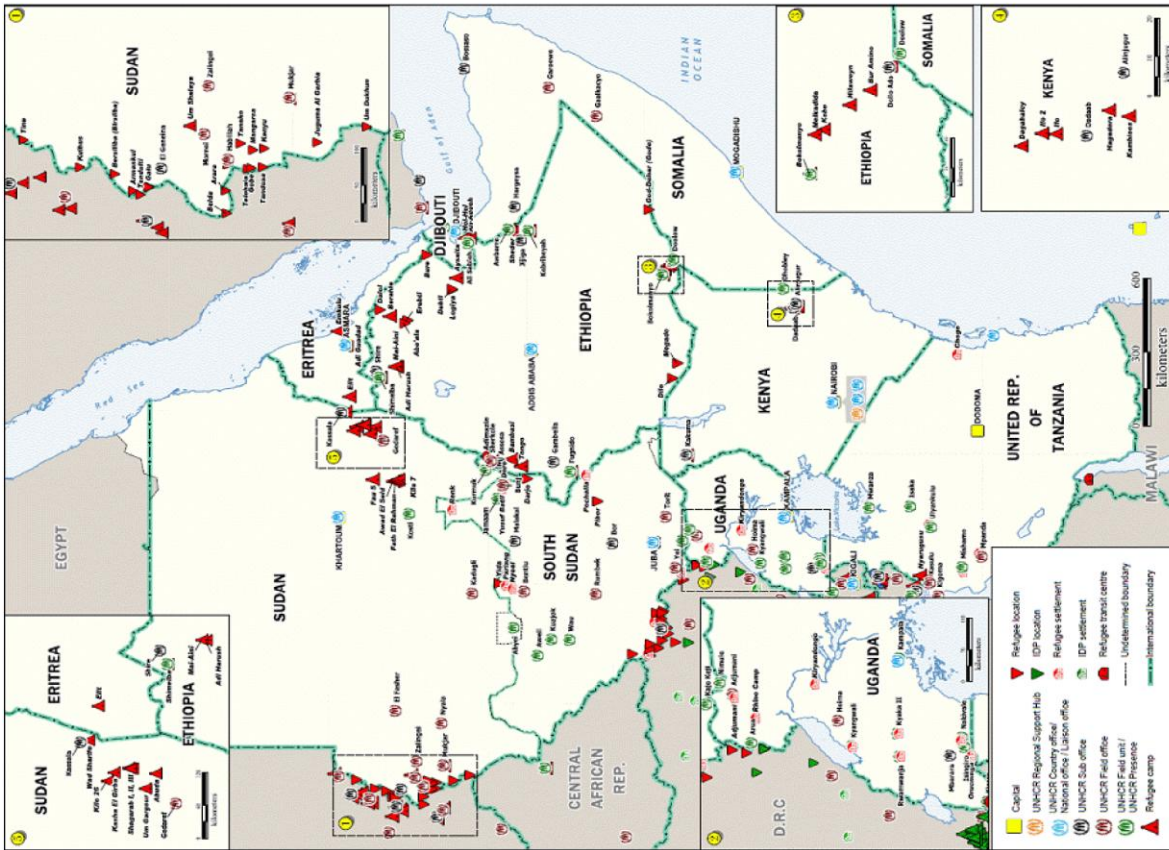
Eritrean refugees show their torture wounds.



Source: UNHCR



Houses where hostages are held in the Sinai desert, Sheikh Zuwaid area (close to Rafah), © Alganesh Fessaha, Gandhi Foundation



Source: UNHCR





People chained in detention centre/prison in Egypt, waiting for their deportation, © Alganesh Fessaha, Gandhi Foundation



Police centre in Egypt, © Alganesh Fessaha, Gandhi Foundation



Cornea removed for the purpose of transplantation, © Alganesh Fessaha, Gandhi Foundation



Organs removed, © Alganesh Fessaha, Gandhi Foundation

## Background information on resource people

### **Alganesh Fessaha**

Dr Alganesh Fessaha was born and raised in Eritrea, Asmara. She completed high school in Eritrea and studied political science at a university in Italy and medical Ayurveda in India. She worked with international companies as a marketing director, eventually becoming self employed in marketing and planning. Until 2003, she was teaching alternative Ayurveda and yoga in different places in Africa. In 2005, she created an NGO called Gandhi, which is a human rights organisation taking care of destitute women in Africa and providing education for deprived and orphaned children. Gandhi also focuses on helping Eritrean refugees wherever they are. For the past four and a half years, Gandhi has released 700 Eritrean people who were captured and retained in Egyptian prisons, resettling them in refugee camps in Ethiopia. In addition to this, Gandhi also takes care of Eritrean's who are held by human traffickers in the Sinai.

### **Reverend Father Mussie Zerai**

Born in Asmara in Eritrea in 1975, Reverend Father Zerai became a Catholic priest in Eritrean in 2010, and is national coordinator for the pastoral care of Catholic Eritreans and Ethiopians in Switzerland. Since 1995, he has been committed to championing the human rights and the rights of migrants. He is also founder and Chairman of the Habeshia Agency since 2006.

### **Sigal Rozen**

Public policy coordinator and a founder at the human rights organization Hotline for Migrant Workers, active since 1998 for migrants and refugees rights in Israel.

### **Desirée Penzo**

Desirée Penzo is a human rights activist. She lives in Norway and has been working with Eritreans kidnapped and blackmailed by Sinai Bedouins for the past months. Her main goals are to make the Norwegian Government take responsibility and action for the Sinai-cases in Norway, as well as pushing the government to collaborate with the Egyptian authorities. She is also working to make the Norwegian Government create awareness on the issue at an international level and give proper assistance and support to the refugees and victims of blackmailing from the Sinai in Norway.

## Justification of data

The empirical data of this report are the following:

1. Appeals shared on various sources and lists, including the list the International Commission of Eritrean Refugees (ICER) and Agenzia Habeshia. Data in the form of emails.
2. Data checks with resource people (in email)
3. Interviews carried out by journalist Meron Estefanos with people in the Sinai prisons. Data are as follows:

Total interviews carried out: 123

Total: 114 Interview transcripts by Meron

- a. 112 interview transcripts in English translation, of which
  - i. 75 translated by Bealfan
  - ii. 34 translated by Amanuel Amelash
  - iii. 3 by Idris M K
- b. 2 interviews carried out in English with journalist Naomi Conrad
- c. Of these 114 interview transcripts
  - i. 84 original audiotapes are in possession of all authors (13 have been broadcasted in Tigrinya on radio)
  - ii. 114 original audiotapes are in possession of Meron Estefanos

Interviews carried out with refugees: 101

4. Interviews carried out with others:
  - a. 13 interviews carried out by Meron Estefanos, of these
    - i. 7 interviews on the general situation of Eritrean refugees (UNHCR refugee camp, Djibouti, Libya)
    - ii. 2 interviews with indirect sources on Sinai
    - iii. 4 interviews with human traffickers
 

Of these:

      - iv. 4 original audiotapes in possession of all authors
      - v. 13 original audiotapes in possession of Meron Estefanos
5. Interviews carried out with resource people
  - i. 6 interviews carried out by EEPA/Tilburg University
  - ii. 5 original audiotapes in possession of EEPA/Tilburg University
6. Messages of social media and internet
  - i. All sources picture-saved in EEPA/Tilburg University
7. Pictures from Sinai victims, morgues in Egypt/Cairo and detention centre (Cairo) from Dr Alganesh Fessaha, viewed during closed hearing by all authors
  - a. All pictures in possession of Dr Alganesh Fessaha
  - b. A selection of pictures in possession of EEPA, with rights to Dr Alganesh Fessaha

## Bibliography

- AFP (2012) 'Eritrean refugees kidnapped, killed: UNHCR chief', 12 January 2012, [online] available at: [www.google.com/hostednews/afp/article/ALeqM5hari7DYAS2PKYVhM4RRAMMMcvGOA?docId=CNG.140doaa1e4b9fa1f6d9de393aaaae039f.371](http://www.google.com/hostednews/afp/article/ALeqM5hari7DYAS2PKYVhM4RRAMMMcvGOA?docId=CNG.140doaa1e4b9fa1f6d9de393aaaae039f.371) (accessed 23 September 2012).
- Amnesty International (2012) *SOS Europe. Human rights and migration control*. London: Amnesty International. Available at: <http://www.amnesty.org/en/library/asset/EUR01/013/2012/en/bc2ed705-d497-4a50-8c47-5995d3e2eb64/euro10132012en.pdf> (accessed 21 September 2012)
- Amnesty International (2012) *Italy must sink agreements with Libya on migration control*, Appeal, 20 June 2012. Available at: <http://www.amnesty.org/en/appeals-for-action/italy-migration-control> (accessed 23 September 2012)
- Benillouche, J (2012) 'Israël face aux clandestins Africains.' *Slate Afrique*, 4 July 2011 [online]. Available at: <http://www.slateafrique.com/90139/israel-face-clandestins-africains-racisme-immigration> (accessed 8 August 2012)
- Camera dei Deputati Italia (2008) Ratifica ed esecuzione del Trattato di amicizia, partenariato e cooperazione tra la Repubblica italiana e la Grande Giamahiria araba libica popolare socialista (DDL 2041). Available at: [http://www.camera.it/\\_dati/leg16/lavori/schedela/apritelecomando\\_wai.asp?codice=16pdloo17390](http://www.camera.it/_dati/leg16/lavori/schedela/apritelecomando_wai.asp?codice=16pdloo17390) (accessed 21 September 2012)
- CNN, *Stand in the Sinai*, Documentary broadcasted on 21 September 2012.
- Coalition for Organ Failure Solutions (2012) Sudanese victims of organ trafficking in Egypt. A preliminary evidence-based, victim-centered report by the Coalition for Organ Failure Solutions. Available at: [http://www.cofs.org/english\\_report\\_summary\\_dec\\_11\\_2011.pdf](http://www.cofs.org/english_report_summary_dec_11_2011.pdf) (accessed 17 July 2012)
- Consiglio Italiano per I Rifugiati (2010) *Rifugiati Eritrei nel Sinai*, Press release, 29 November 2010, [online]. Available at: <http://www.cir-onlus.org/Comunicato%20stampa%2029%20novembre%202010.htm> (accessed 21 September 2012)
- Consiglio Italiano per i Rifugiati (undated) *Profughi nel Sinai: Parlamentari italiani lanciano un appello all'Unione Europea per evacuazione umanitaria* [online]. Available at: <http://www.cir-onlus.org/profughi%20Sinai.htm> (accessed 21 September 2012)
- Council of Europe (2009) *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs, 2009*. Joint Council of Europe/United Nations study. Available at: <http://www.unhcr.org/refworld/docid/4b1ce76f2.html> (accessed 21 September 2012)
- Eiler-Polak, D (2012) 'Israeli judge: The state is risking the lives of Eritrean refugees.' *Haaretz*, 21 February 2012 [online]. Available at: <http://www.haaretz.com/print-edition/news/israeli-judge-the-state-is-risking-the-lives-of-eritrean-refugees-1.413849#.ToaSOvWYIHQ.twitter> (accessed 3 September 2012)
- European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others vs. Italy* (Application 27765/09). Available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109231> (accessed 20 September 2012)
- European Court of Human Rights (2012) *Factsheet expulsions and extraditions*, 2012. Available at: [http://www.echr.coe.int/NR/rdonlyres/211A6F9C-A4EC-4CF7-AB2E-42E9D49FB2EF/0/FICHES\\_Expulsions\\_et\\_extraditions\\_EN.pdf](http://www.echr.coe.int/NR/rdonlyres/211A6F9C-A4EC-4CF7-AB2E-42E9D49FB2EF/0/FICHES_Expulsions_et_extraditions_EN.pdf) (accessed 20 September 2012)
- Fishbein, E (2012) 'Desert Hell.' *Yediot Weekend Insert. Yediot Ahronot*, 19 November 2010 [online]. Available at: [http://www.phr.org.il/uploaded/Article\\_DesertHell\\_EinatFishbein\\_Yediot\\_19.11.10.pdf](http://www.phr.org.il/uploaded/Article_DesertHell_EinatFishbein_Yediot_19.11.10.pdf) (accessed 19 July 2012)
- Greenwood, P (2012) 'Egyptian authorities look the other way as Bedouin kidnap refugees.' *The Guardian*, 14 February 2012 [online]. Available at: <http://www.guardian.co.uk/world/2012/feb/14/egypt-bedouin-kidnap-refugees-israel> (accessed 10 July 2012)
- Greenwood, P (2012) 'Huge detention centre to be Israel's latest weapon in migration battle.' *The Guardian*, 17 April 2012 [online]. Available at: <http://www.guardian.co.uk/world/2012/apr/17/detention-centre-israel-migration> (accessed 6 July 2012)
- Greenwood, P (2012) 'Eritrean regime cashes in on arms and human trafficking, says UN report. Investigators tell of smuggling highway running to Sinai, delivering arms to militants and people to ransom-seeking gangs.' *The Guardian*, 17 July 2012 [online]. Available at <http://www.guardian.co.uk/world/2012/jul/17/eritrean-regime-arms-human-trafficking> (accessed 17 July 2012)

- Hadid, D (2012) African migrants tortured in Egypt's Sinai desert. *The Guardian*, 16 February 2012 [online]. Available at: <http://www.guardian.co.uk/world/feedarticle/10097502> (accessed 16 September 2012)
- Hartman, B; Harkov, L (2012) 'Gov't to start jailing illegal migrants up to 3 yrs.' *The Jerusalem Post*, 3 June 2012 [online]. Available at: <http://www.jpost.com/LandedPages/PrintArticle.aspx?id=272502> (accessed 16 July 2012)
- Hotline for Migrant Workers (2011) "'The dead of the wilderness". Testimonies from Sinai Desert 2010' [online]. Available at: [http://www.hotline.org.il/english/pdf/Testimonies\\_from\\_sinay\\_122010.pdf](http://www.hotline.org.il/english/pdf/Testimonies_from_sinay_122010.pdf), p. 25 (accessed 21 May 2012)
- Hotline for Migrant Workers (2012) 'The IDF is preventing the entry of a group of about 20 asylum seekers from Eritrea trapped between fences on Israeli soil.' *Facebook*, 4 September 2012 [online]. Available at: <http://www.facebook.com/notes/hotline-for-migrant-workers-israel/idf-is-preventing-the-entry-of-a-group-of-20-eritrean-asylum-seekers-trapped-bet/458015674242755> (accessed 9 September 2012)
- Hotline for Migrant Workers (2012) *Asylum Seekers and Refugees in Israel* [online]. Available at: [http://www.hotline.org.il/english/pdf/Briefing\\_refugees052012.pdf](http://www.hotline.org.il/english/pdf/Briefing_refugees052012.pdf) (accessed 14 September 2012)
- Hotline for Migrant Workers (2012) Briefing note: African asylum seekers and refugees arriving in Israel via the Egyptian Sinai desert. 1 September 2012.
- Human Rights Watch (2012) 'Israel: Amend 'Anti-Infiltration' Law. Measure Denies Asylum Seekers Protections of Refugee Convention', *www.hrw.org*, 10 June 2012 [online]. Available at: <http://www.hrw.org/news/2012/06/10/israel-amend-anti-infiltration-law> (accessed 29 September 2012)
- Khaled, O; Elboluk, S (2011) 'Human organ trafficking war waged between Sinai Bedouins.' *Egypt Independent*, 14 November 2011 [online]. Available at: <http://www.egyptindependent.com/news/human-organ-trafficking-war-waged-between-sinai-bedouins> (accessed 2 August 2012)
- Knesset (2012) Response by MK Orit Zuretz (Kadima), Chair of the Knesset Sub-Committee on Trafficking in Women, on the CNN report on the torture of Eritreans and Sudanese in Sinai, Jerusalem, 20 September 2012.
- Köhler-Rollefson, I; Musa, BE; Achmed, MF; (1991) 'The camel pastoral system of the Southern Rashaida in Eastern Sudan.' *Nomadic Peoples* 29, pp 68-76.
- Kyzer, L (2010) 'Egypt gang suspected of abducting Africans for ransom on Israel border. Gang detains Africans trying to infiltrate Israel border; African collaborators in Israel collect ransoms.' *Haaretz*, 21 January 2010 [online]. Available at: <http://www.haaretz.com/news/egypt-gang-suspected-of-abducting-africans-for-ransom-on-israel-border-1.261845> (accessed 16 September 2012)
- La Repubblica (2012) 'Ci hanno visti in mare e ci hanno respinto di nuovo in Libia.' *La Repubblica*, 4 July 2012 [online]. Available at: [http://www.repubblica.it/solidarieta/dirittumani/2012/07/04/news/ci\\_hanno\\_visti\\_in\\_mare\\_e\\_ci\\_hanno\\_respinto\\_di\\_nuovo\\_in\\_libia-38531490?ref=search](http://www.repubblica.it/solidarieta/dirittumani/2012/07/04/news/ci_hanno_visti_in_mare_e_ci_hanno_respinto_di_nuovo_in_libia-38531490?ref=search) (accessed 24 July 2012)
- Lis, J (2012) 'Knesset passes bill that could put asylum seekers in jail without trial.' *Haaretz*, 10 January 2012 [online]. Available at: <http://www.haaretz.com/print-edition/news/knesset-passes-bill-that-could-put-asylum-seekers-in-jail-without-trial-1.406351#.Tw1Ydv49BwM.twitter> (accessed 13 July 2012)
- Ljinders, L (2012) 'Caught in the borderlands: Tortured experienced, expressed and remembered by Eritrean asylum seekers in Israel.' *Oxford Monitor of Forced Migration*, 2 (1): 64-76
- Mekonnen, D (2011) *Pre- and Post-Migration Patterns of Victimization among Eritrean Refugees in the Netherlands*. Available at: <http://www.nai.uu.se/ecas-4/panels/101-120/panel-102/Daniel-Mekonnen-full-paper.pdf> (accessed 23 September 2012)
- Ministero Italiano degli Interni (2011) *Quadro statistico Commissione Nazionale delle Richieste di Asilo*. Available at: [http://www1.interno.it/mininterno/export/sites/default/it/assets/files/21/0551\\_statistiche\\_asilo.pdf](http://www1.interno.it/mininterno/export/sites/default/it/assets/files/21/0551_statistiche_asilo.pdf) (accessed 21 September 2012)
- Ministero Italiano dell'Interno (2012) *Processo Verbale della Riunione tra il Ministro dell'Interno della Repubblica Italiana e il Ministro dell'Interno della Libia*. Available at: <http://www.stranieriitalia.it/images/accordolibia18giu2012.pdf> (accessed 21 September 2012)
- Organization of African Unity (1969) *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45

- Parlamento Italiano (2011) 'Temi dell'attività parlamentare, L'operatività del trattato di amicizia, partenariato, cooperazione tra Italia e Libia alla luce dei recenti eventi libici.' *Camera dei Deputati*, 1 March 2011 [online]. Available at: <http://www.camera.it/561?appro=267&L%27operativit%C3%A0+del+Trattato+di+amicizia%2C+partenariato+e+cooperazione+tra+Italia+e+Libia+alla+luce+dei+recenti+eventi+libici> (accessed 21 September 2012)
- Physicians for Human Rights (2012) 'Briefing note: Israeli treatment of African asylum-seekers and refugees arriving in Israel via Sinai, Israel'. *Physicians for Human Rights*, April 2012 [online]. Available at: <http://phr.org.il/default.asp?PageID=100&ItemID=1549> (accessed 20 July 2012)
- Pleitgen, F (2011) 'Death in the desert.' *CNN*, 8 November 2011, [online video]. Available at: <http://thecnnfreedomproject.blogs.cnn.com/2011/11/08/death-in-the-desert/> (accessed 21 September 2012)
- Population and Immigration Authority (2012) *Data on Foreigners in Israel*. The Unit of Planning, Research, Quality and Excellence, Population and Immigration Authority, Volume 3/2012, April 2012 (Hebrew). Available at: <http://piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/%D7%90%D7%A4%D7%A8%D7%99%D7%9C%202012.pdf> (accessed 14 September 2012). In: *Hotline for Migrant Workers (2012) Asylum Seekers and Refugees in Israel* [online]. Available at: [http://www.hotline.org.il/english/pdf/Briefing\\_refugees052012.pdf](http://www.hotline.org.il/english/pdf/Briefing_refugees052012.pdf) (accessed 14 September 2012)
- Protocol to the United Nations Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 15 November 2000 A/RES/55/25.
- Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime, 15 November 2000 A/RES/55/25.
- Rappresentanza Permanente Italia presso il consiglio d'Europa (2012) *Plan d'action du gouvernement italien dans l'affaire Hirsi Jamaa et autres c. Italie* (Request 2776509). Available at: [http://www.coe.int/t/dghl/monitoring/execution/Source/Documents/Info\\_cases/Italie/Hirsio6072012.pdf](http://www.coe.int/t/dghl/monitoring/execution/Source/Documents/Info_cases/Italie/Hirsio6072012.pdf) (accessed 21 September 2012)
- Rothman, DJ; Rose, E; Awaya, T; Cohen, B; Daar, A; Dzemeshkevich, SL; Lee, CJ; Munro, R; Reyes, H; Rothman, SM; Schoen, KF; Scheper-Hughes, N; Shapira, Z; Smi, H (1997) 'The Bellagio Task Force Report on Transplantation, Bodily Integrity, and the International Traffic in Organs.' *Transplantation Proceedings* 29: 2739–45
- RT Question More (2012) 'Israel falsifies documents to deport Sudanese migrants – reports.' *RT Question More*, 19 August 2012 [online]. Available at: <http://rt.com/news/sudan-south-israel-refugees-059/> (accessed 23 August 2012)
- The Times of Israel (2012) 'Eritrean national suspected of aiding Sinai terrorists.' *The Times of Israel*, 13 June 2012 [online]. Available at: <http://www.timesofisrael.com/eritrean-national-suspected-of-aiding-sinai-terrorists/> (accessed 2 August 2012)
- UN General Assembly (1951) *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, Vol. 189, p. 137
- UN General Assembly (1967) *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, Vol. 606, p. 267
- UN General Assembly (2001) *United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly*, 8 January 2001, A/RES/55/25. Available at: <http://www.unhcr.org/refworld/docid/3boof55bo.html> (accessed 14 August 2012)
- UN High Commissioner for Refugees (2012) Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Israel, July 2012. Available at: <http://www.unhcr.org/refworld/docid/5004f9692.html> (accessed 20 August 2012)
- UN High Commissioner for Refugees (2012) 'UNHCR Chief ends Sudan visit with relief for 'old' refugees, risks for new ones.' *News Stories*, 13 January 2012 [online]. Available at: <http://www.unhcr.org/4f1005e99.html> (accessed 21 September 2012)
- UN News Services (2009) 'Ban briefed by head of UN rights probe into Gaza conflict.' *Daily News*. Issue DH/5404, 20 May 2009 [online]. Available at: <http://www.un.org/news/dh/pdf/english/2009/20052009.pdf> (accessed 14 September 2012)

- UN Security Council (2012) *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), S2012/545*. New York: United Nations, p. 21. Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/545](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/545) (accessed 20 September 2012)
- van Reisen, M; Tavernier, L; Iadevaia, R (2012) *Eritrea*, EEPA Background Paper. EEPA: Brussels
- Weiler-Polak, D (2012) 'Report: Israel granted asylum to 8 out of nearly 1,000 requests in 2011.' *Haaretz*, 25 March 2012 [online]. Available at: <http://www.haaretz.com/news/national/report-israel-granted-asylum-to-8-out-of-nearly-1-000-requests-in-2011-1.420532#.T28XnHZ4V48.twitter> (accessed 1 August 2012)
- World Health Organization (2004) 'Organ trafficking and transplantation pose new challenges.' *Bulletin of the World Health Organization*. Available at: <http://www.who.int/bulletin/volumes/82/9/feature0904/en/index.html> (accessed 29 June 2012)
- World Health Organization, Eastern Mediterranean Regional office (2010) *WHO welcomes Egyptian organ transplant law* [online]. Available at: <http://www.emro.who.int/pressreleases/2010/no2.htm> (accessed 3 July 2012)
- Yaari, E (2012) 'Sinai a new front.' *The Washington Institute for Near East Policy*, N°9, Washington p. 13–14 [online]. Available at: <http://www.washingtoninstitute.org/templateCo4.php?CID=359> (accessed 2 August 2012)
- Yagna, Y (2012) 'Israel's arrest of Bedouin man sheds light on Sinai kidnappings of African refugees.' *Haaretz*, 25 March 2012 [online]. Available at: <http://www.haaretz.com/news/national/israel-s-arrest-of-bedouin-man-sheds-light-on-sinai-kidnappings-of-african-refugees-1.420598#.T28W-dGrCqM.twitter> (accessed 15 July 2012)

## Endnotes

- <sup>1</sup> Interview 96. The interviewee is a former hostage, a 26-year old Eritrean born in the South of Eritrea from the village of Kudobuer. After grade 12 he was transferred into the compulsory national service in Eritrea and assigned to the Eritrean police. He fled because of inhuman treatment in the service. His destination was to Ethiopia, Africa, or anywhere other than Eritrea. The interview was carried out on 3 August 2012 when he arrived in Israel.
- <sup>2</sup> UN General Assembly (1951) *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, Vol. 189, p. 137
- <sup>3</sup> *Ibid.*, Article 1.a (2)
- <sup>4</sup> Interview 3
- <sup>5</sup> Figures provided by Alganesh Fessaha, 16 June 2012, meeting Brussels.
- <sup>6</sup> Interview with Meron Estefanos by Guillaume Flament, recorded 14 September 2012
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> Hotline for Migrant Workers and Physicians for Human Rights – Israel, *Briefing note: African asylum seekers and refugees arriving in Israel via the Egyptian Sinai desert*, 1 September 2012.
- <sup>10</sup> Email to Mirjam van Reisen, 22 September 2012
- <sup>11</sup> Email to Mirjam van Reisen, 22 September 2012
- <sup>12</sup> Hotline for Migrant Workers (2012) *Briefing note: African asylum seekers and refugees arriving in Israel via the Egyptian Sinai desert*. 1 September 2012.
- <sup>13</sup> Exchange of emails with Mirjam van Reisen 22 September 2012.
- <sup>14</sup> Greenwood, P (2012) 'Eritrean regime cashes in on arms and human trafficking, says UN report. Investigators tell of smuggling highway running to Sinai, delivering arms to militants and people to ransom-seeking gangs.' *The Guardian*, 17 July 2012 [online].
- <sup>15</sup> AFP (2012) 'Eritrean refugees kidnapped, killed: UNHCR chief', 12 January 2012, [online]
- <sup>16</sup> The age-range described as required for national service varies. However, it is generally known that the entry age is much younger than 18 (see van Reisen, M; Tavernier, L; Iadevaia, R (2012) *Eritrea*, EEPA Background Paper. EEPA: Brussels)
- <sup>17</sup> Interview 1
- <sup>18</sup> Interview 96
- <sup>19</sup> Interview 98
- <sup>20</sup> Interview 98
- <sup>21</sup> Interview 114
- <sup>22</sup> Interview 1
- <sup>23</sup> Interview 114
- <sup>24</sup> UN High Commissioner for Refugees (2012) 'UNHCR Chief ends Sudan visit with relief for 'old' refugees, risks for new ones.' *News Stories*, 13 January 2012 [online]
- <sup>25</sup> Interview 105, see also: Mekonnen, D (2011) *Pre- and Post-Migration Patterns of Victimization among Eritrean Refugees in the Netherlands*.
- <sup>26</sup> Interview 3
- <sup>27</sup> Interview 15
- <sup>28</sup> Interview 1
- <sup>29</sup> The Rashaida are a travelling tribe that originally come from the Saudi peninsula, and are related to the Bedouin ethnicity. They profess the Muslim faith, and have rooted in Sudan, but also in Eritrea on the Red Sea coast. The Rashaida sub-tribes in Eritrea are Al-Baratikh, Al-barai'ids and Al-Zilaimat. These Arab tribes belong to the supra tribe of Rashaida scattered in Sudan, Saudi Arabia, Kuwait, Qatar, Eritrea, Libya, South Egypt and the Sinai Peninsula. The Eritrean and Sudanese Rashaida work in close cooperation with the Eritrean leadership, in terms



of the organisation of the Eastern border and in a number of trade arrangements. Apart from the camel breeding business, one of the sources of income of the nomadic Rashaida came from the members of the tribe that were settled in Saudi Arabia or in the Gulf. Human trafficking seems to be an important source of financial income. The border area between Sudan and Eritrea is an important location from which the Southern Rashaida operate nowadays, especially around the UNHCR camps and the city of Kessala. It has often been reported by the refugees of the Sinai that they were first trapped and kidnapped by Rashaida tribesmen, who then sell them to other Bedouin tribes on the way north to the Peninsula. Rashaida are not at the beginning of the trafficking chain; some other traffickers sell persons to the Rashaida (See: Interview 72 and Köhler-Rollefson, I; Musa, BE; Achmed, MF; (1991) 'The Camel pastoral system of the Southern Rashaida in Eastern Sudan.' *Nomadic Peoples* 29, pp 68-76).

<sup>30</sup> Interview 3

<sup>31</sup> Interview 1

<sup>32</sup> Interview 4

<sup>33</sup> Interview 114

<sup>34</sup> Interview 7

<sup>35</sup> Interview 7

<sup>36</sup> Interview 13; Interview 131

<sup>37</sup> Interview 3

<sup>38</sup> Interview 3

<sup>39</sup> Interview 3

<sup>40</sup> Interview 113

<sup>41</sup> Interview 89

<sup>42</sup> Interview 89

<sup>43</sup> Interview 89

<sup>44</sup> Interview 89

<sup>45</sup> Interview 89

<sup>46</sup> Interview 1

<sup>47</sup> Interview 13

<sup>48</sup> Interview 1

<sup>49</sup> Interview 1

<sup>50</sup> UN Security Council (2012) *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)*, S2012/545. New York: United Nations, p. 21. Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/545](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/545) (accessed 20 September 2012), p. 20.

<sup>51</sup> Interview 105

<sup>52</sup> Interview 105

<sup>53</sup> The difficulty for Eritreans to return has been acknowledged in the judgement by the European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others v. Italy*, (Application no. 27765/09), Judgment Strasbourg 23 February 2012, p 41, point 150–151.

<sup>54</sup> Greenwood, P (2012)

<sup>55</sup> Interview 84

<sup>56</sup> Interview 88; see also UN Security Council (2012) *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)*: "However, instead of delivering the passengers to their destination, the traffickers routinely hold their passengers captive and demand exorbitant ransoms from their families for their release — typically between \$30,000 and \$50,000."

<sup>57</sup> Interview 93

<sup>58</sup> Interview 122

<sup>59</sup> UN Security Council (2012) *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)*, S2012/545. New York: United Nations, p. 21

<sup>60</sup> Interview 84.

<sup>61</sup> Interview 84

<sup>62</sup> Interview 84

<sup>63</sup> Interview 84

<sup>64</sup> Interview 84

<sup>65</sup> Fishbein, E (2012) 'Desert Hell.' *Yediot Weekend Insert. Yediot Ahronot*, 19 November 2010 [online]

<sup>66</sup> Interview 13

<sup>67</sup> Interview 114

<sup>68</sup> Interview 1

<sup>69</sup> Interview 11

<sup>70</sup> Interview 96

<sup>71</sup> Interview 97

<sup>72</sup> Interview 84

<sup>73</sup> Interview 105

<sup>74</sup> Interview 105

<sup>75</sup> Interview 1

<sup>76</sup> Interview 1

<sup>77</sup> Interview 13

<sup>78</sup> Kyzer, L (2010) 'Egypt gang suspected of abducting Africans for ransom on Israel border. Gang detains Africans trying to infiltrate Israel border; African collaborators in Israel collect ransoms.' *Haaretz*, 21 January 2010 [online]

<sup>79</sup> Interview by Guillaume Flament, recorded 20 September 2012

<sup>80</sup> Interview by Guillaume Flament, recorded 20 September 2012

<sup>81</sup> Interview 3

<sup>82</sup> Interview 1

<sup>83</sup> Interview 4

<sup>84</sup> Interview 11

<sup>85</sup> Interview 11

<sup>86</sup> Interview 11

<sup>87</sup> Interview 11

<sup>88</sup> Interview 113

<sup>89</sup> Interview 7, p.2

<sup>90</sup> Interview 11, p.4; Interview 1, p.7

<sup>91</sup> Interview 11

<sup>92</sup> Interview 4

<sup>93</sup> Interview 100

<sup>94</sup> Interview 11

<sup>95</sup> Interview 11

<sup>96</sup> Interview 11, he swore, in the text is: "he say ya messih", which is a derogatory term.

<sup>97</sup> Interview 9

<sup>98</sup> Interview 1

<sup>99</sup> Interview 13

<sup>100</sup> Interview 11, p.5

<sup>101</sup> Interview 4

<sup>102</sup> Interview 82, p.1

<sup>103</sup> Interview 15

<sup>104</sup> Interview 1, p. 10

- <sup>105</sup> Interview 4
- <sup>106</sup> Interview 1
- <sup>107</sup> Interview 9, Interview 11, Interview 15
- <sup>108</sup> Interview 9
- <sup>109</sup> Interview 6
- <sup>110</sup> Interview 11
- <sup>111</sup> Interview 112
- <sup>112</sup> Interview 11
- <sup>113</sup> Interview 1
- <sup>114</sup> Interview 6
- <sup>115</sup> Later changed to USD 25,000 and then USD 23,000. It is not always clear how much is being asked because several amounts are asked by different captors and at different times. Often when one amount is paid, the victim is sold on to another group of captors who ask for new amounts (Interview 1, 20 September 2011)
- <sup>116</sup> Interview 1
- <sup>117</sup> Interview 1
- <sup>118</sup> Lijnders, L (2012) 'Caught in the borderlands: Tortured experienced, expressed and remembered by Eritrean asylum seekers in Israel.' *Oxford Monitor of Forced Migration*, 2 (1): 64–76
- <sup>119</sup> Interview 116
- <sup>120</sup> CNN, "Stand in the Sinai", 21 September 2012.
- <sup>121</sup> Physicians for Human Rights, 2010. *Refugees, Torture, and Rape in the Sinai Desert: A PHR-Israel update about recently arriving asylum seekers*. Israel: Physicians for Human Rights-Israel. Available at <<http://www.phr.org.il/default.asp?PageID=100&ItemID=953>> [accessed: 18 June 2012].
- <sup>122</sup> Interview 24
- <sup>123</sup> Interview 116
- <sup>124</sup> Interview 5
- <sup>125</sup> Interview 11
- <sup>126</sup> Interview 88
- <sup>127</sup> Interview 5
- <sup>128</sup> Interview 9
- <sup>129</sup> Interview 9; Interview 11
- <sup>130</sup> Interview 9
- <sup>131</sup> Interview 9
- <sup>132</sup> Interview 11
- <sup>133</sup> Interview 5
- <sup>134</sup> Interview 7
- <sup>135</sup> Interview 8
- <sup>136</sup> Fishbein, E (2010)
- <sup>137</sup> Interview 96
- <sup>138</sup> Interview 96
- <sup>139</sup> Interview 82
- <sup>140</sup> Interview 11
- <sup>141</sup> The hostage-takers seem to be sensitive to be giving some concessions to (some of) the Muslim hostages.
- <sup>142</sup> Interview 12
- <sup>143</sup> Interview 87
- <sup>144</sup> Interview 74
- <sup>145</sup> Interview 11

- <sup>146</sup> Interview 122
- <sup>147</sup> Interview 122
- <sup>148</sup> Interview 96
- <sup>149</sup> Even though the person speaks of a wish to die, the story continues that the next days he organises a (failed) attempt to escape (see under escape); so the wish to die and the longing for freedom and escape seem to coexist; Interview 96.
- <sup>150</sup> Interview 13
- <sup>151</sup> Interview 115
- <sup>152</sup> Interview 115
- <sup>153</sup> Hadid, D (2012) African migrants tortured in Egypt's Sinai desert. *The Guardian*, 16 February 2012 [online]. Available at: <http://www.guardian.co.uk/world/feedarticle/10097502> (accessed 16 September 2012)
- <sup>154</sup> Pleitgen, F (2011) 'Death in the desert.' *CNN*, 8 November 2011, [online video].
- <sup>155</sup> Interview 15
- <sup>156</sup> See also: Lijnders, L (2012), pp 64–76
- <sup>157</sup> Interview 96
- <sup>158</sup> Interview 113
- <sup>159</sup> Interview 12
- <sup>160</sup> Interview 115
- <sup>161</sup> Interview 9
- <sup>162</sup> Lijnders, L (2012)
- <sup>163</sup> Interview 3; Interview 5
- <sup>164</sup> Interview 3
- <sup>165</sup> Interview 96
- <sup>166</sup> Interview 9
- <sup>167</sup> Interview 3
- <sup>168</sup> Interview 6
- <sup>169</sup> Interview 6
- <sup>170</sup> Interview 96
- <sup>171</sup> Interview 10
- <sup>172</sup> The name is Solomon W, and he was named as an example of a hostage in the European Parliament Resolution of 2012 on the Sinai Trafficking. See ICER Alert no 7.
- <sup>173</sup> Interview 11, p.4
- <sup>174</sup> Interview 96
- <sup>175</sup> Interview 12, p.4
- <sup>176</sup> Interview 8
- <sup>177</sup> The Times of Israel (2012) 'Eritrean national suspected of aiding Sinai terrorists.' *The Times of Israel*, 13 June 2012 [online]
- <sup>178</sup> Interview 10
- <sup>179</sup> Interview 3
- <sup>180</sup> Interview 6
- <sup>181</sup> Interview 6
- <sup>182</sup> Interview 9
- <sup>183</sup> Interview 10
- <sup>184</sup> Interview 10
- <sup>185</sup> Interview 11
- <sup>186</sup> Interview 113

- <sup>187</sup> Interview 113
- <sup>188</sup> Interview 6
- <sup>189</sup> Interview 10
- <sup>190</sup> Interview 96
- <sup>191</sup> Interview 8, p.3
- <sup>192</sup> Interview 8
- <sup>193</sup> Interview 8
- <sup>194</sup> Interview 82
- <sup>195</sup> Interview 82
- <sup>196</sup> Interview 82
- <sup>197</sup> Interview 82
- <sup>198</sup> Interview 82
- <sup>199</sup> Interview 10
- <sup>200</sup> Interview 8
- <sup>201</sup> Estefanos, M (2012) Personal communication between Meron Estefanos and Mirjam van Reisen, 16 September 2012
- <sup>202</sup> Hotline for Migrant Workers (2012) 'The IDF is preventing the entry of a group of about 20 asylum seekers from Eritrea trapped between fences on Israeli soil.' *Facebook*, 4 September 2012 [online]
- <sup>203</sup> International Commission on Eritrean refugees 'Eritrea – ICER Action Alert No. 1201 'New Revelations of IDF Human Rights Violation against Asylum Seekers on the Israeli-Egyptian Border'.
- <sup>204</sup> Infiltrators on the Border Were Chased Away With Tear Gas, Telem Yahav and Mati Siber, 6 September 2012.
- <sup>205</sup> Knesset (2012) Response by MK Orit Zuretz (Kadima), Chair of the Knesset Sub-Committee on Trafficking in Women, on the CNN report on the torture of Eritreans and Sudanese in Sinai, Jerusalem, 20 September 2012.
- <sup>206</sup> E-mail exchange with Mirjam van Reisen, 23 September 2012.
- <sup>207</sup> United Nations High Commissioner for Refugees (2012) Submission by the United Nations High Commissioner for Refugees. For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Israel. July 2012, available at: <http://www.unhcr.org/refworld/docid/5004f9692.html> [accessed 23 September 2012] (accessed: 23 September 2012)
- <sup>208</sup> United Nations High Commissioner for Refugees (2012), *ibid.*
- <sup>209</sup> United Nations High Commissioner for Refugees (2012), *ibid.*
- <sup>210</sup> Human Rights Watch (2012) Israel: Amend 'Anti-Infiltration' Law. Measure Denies Asylum Seekers Protections of Refugee Convention, 10 June 2012.
- <sup>211</sup> Human Rights Watch (2012) *ibid.*
- <sup>212</sup> Physicians for Human Rights (2012) 'Briefing note: Israeli treatment of African asylum-seekers and refugees arriving in Israel via Sinai, Israel'. *Physicians for Human Rights*, April 2012 [online]
- <sup>213</sup> Eiler-Polak, D (2012) 'Israeli judge: The state is risking the lives of Eritrean refugees.' *Haaretz*, 21 February 2012. Available at: <http://www.haaretz.com/print-edition/news/israeli-judge-the-state-is-risking-the-lives-of-eritrean-refugees-1.413849> (accessed 23 September 2012)
- <sup>214</sup> Hotline for Migrant Workers (2012) Briefing note: African asylum seekers and refugees arriving in Israel via the Egyptian Sinai desert. 1 September 2012.
- <sup>215</sup> UN General Assembly (2001) United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly, 8 January 2001, A/RES/55/25.
- <sup>216</sup> UN General Assembly (2001) 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children', *United Nations Convention against Transnational Organized Crime: Resolution/adopted by the General Assembly*, 8 January 2001, A/RES/55/25, Article 3, Annex II
- <sup>217</sup> Eritrea, Somalia, Sudan and South Sudan are not parties to the trafficking protocol while Ethiopia, Egypt, Libya and Israel did sign and ratify the protocol. In addition Eritrea is not a party to the Convention against Torture

either while Sudan has signed but not ratified this convention and South Sudan is still has to ratify the international conventions including the CAT. Israel, Libya, Egypt, Somalia and Ethiopia all are party to the CAT.

<sup>218</sup> UN General Assembly (2001) 'Protocol against the Smuggling of Migrants by Land, Sea and Air', *United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly, 8 January 2001, A/RES/55/25, Article 3, Annex III*

<sup>219</sup> Council of Europe (2009) Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs, 2009. Joint Council of Europe/United Nations study.

<sup>220</sup> Council of Europe (2009)

<sup>221</sup> Directive on Preventing and Combating Trafficking in Human Beings, and Protecting Victims, Repealing Framework Decision 2002/629/JHA, 2011/36/EU of 5 April 2011 OJ L 101, 15.4.2011.

<sup>222</sup> UN HRC, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3 (2008), para. 56. See UNOHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking –Commentary (2010), p. 37. See for example the Concluding observations of the Committee against Torture concerning Azerbaijan (CAT/C/AZE/CO/3, para. 20), Belgium (CAT/C/BEL/CO/2, para. 25) or Austria (CAT/C/AUT/CO/4-5, para. 23).

<sup>223</sup> UN HRC, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/13/39 (2010), para. 43.

<sup>224</sup> See also Trafficking in Persons Report 2012, US State Department, available at: <http://www.state.gov/j/tip/rls/tiprpt/2012/>

<sup>225</sup> M. Nowak, E. McArthur, *The United Nations Convention against Torture, A Commentary* (OUP, New York 2008) p. 73, and A. Gallagher, *The International Law of Human Trafficking* (CUP, Cambridge: 2010) p. 34.

<sup>226</sup> See Art. 1 CAT.

<sup>227</sup> Coalition for Organ Failure Solutions (2012) Sudanese victims of organ trafficking in Egypt. A preliminary evidence-based, victim-centered report by the Coalition for Organ Failure Solutions.

<sup>228</sup> World Health Organization, Eastern Mediterranean Regional office (2010) *WHO welcomes Egyptian organ transplant law* [online].

<sup>229</sup> Yaari, E (2012) 'Sinai a new front.' *The Washington Institute for Near East Policy*, N°9, Washington p. 13–14 [online]

<sup>230</sup> Khaled, O; Elboluk, S (2011) 'Human organ trafficking war waged between Sinai Bedouins.' *Egypt Independent*, 14 November 2011 [online]

<sup>231</sup> Yagna, Y (2012) 'Israel's arrest of Bedouin man sheds light on Sinai kidnappings of African refugees.' *Haaretz*, 25 March 2012 [online]

<sup>232</sup> Greenwood, P (2012) 'Egyptian authorities look the other way as Bedouin kidnap refugees.' *The Guardian*, 14 February 2012 [online]

<sup>233</sup> Interview 3

<sup>234</sup> Interview 3

<sup>235</sup> Interview 3

<sup>236</sup> Interview 82

<sup>237</sup> Hotline for Migrant Workers (2011) "'The dead of the wilderness". Testimonies from Sinai Desert 2010' [online], p.25

<sup>238</sup> Interview 79

<sup>239</sup> Interview 79

<sup>240</sup> Interview 5

<sup>241</sup> Interview 85

<sup>242</sup> Interview 96

<sup>243</sup> Interview Mirjam van Reisen with Dr Alganesh Fessaha, 16 June 2012

<sup>244</sup> Sometimes more 'Ps' are included such as a 'Partnership' and 'Punishment'. In our view these can as well be allocated within the broadly accepted 'three Ps' paradigm.

- <sup>245</sup> Article 3, Annex III, United Nations Convention against Transnational Organized Crime
- <sup>246</sup> Convention Relating to the Status of Refugees, 1951
- <sup>247</sup> UN General Assembly (1967) *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, Vol. 606, p. 267
- <sup>248</sup> Article 1.a (2), Convention Relating to the Status of Refugees, 1951
- <sup>249</sup> Convention Relating to the Status of Refugees, 1951
- <sup>250</sup> Article 1, Organization of African Unity (1969) Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45
- <sup>251</sup> Amnesty International (2012) *SOS Europe. Human rights and migration control*. London: Amnesty International.
- <sup>252</sup> Interview 102
- <sup>253</sup> Camera dei Deputati Italia (2008) Ratifica ed esecuzione del Trattato di amicizia, partenariato e cooperazione tra la Repubblica italiana e la Grande Giamahiria araba libica popolare socialista (DDL 2041).
- <sup>254</sup> European Court of Human Rights (2012) *Case of Hirsi Jamaa and Others vs. Italy* (Application 27765/09).
- <sup>255</sup> Ministero Italiano degli Interni (2011)
- <sup>256</sup> Consiglio Italiano per i Rifugiati Profughi nel Sinai: Parlamentari italiani lanciano un appello all'Unione Europea per evacuazione umanitaria.
- <sup>257</sup> Parlamento Italiano (2011) 'Temi dell'attività parlamentare, L'operatività del trattato di amicizia, partenariato, cooperazione tra Italia e Libia alla luce dei recenti eventi libici.' *Camera dei Deputati*, 1 March 2011 [online]
- <sup>258</sup> Amnesty International (2012) Italy must sink agreements with Libya on migration control, Appeal, 20 June 2012.
- <sup>259</sup> UN News Services (2009) 'Ban briefed by head of UN rights probe into Gaza conflict.' *UN Daily News*. Issue DH/5404, 20 May 2009 [online]
- <sup>260</sup> Ibid.
- <sup>261</sup> For more general information on the CEAS see [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm)
- <sup>262</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.
- <sup>263</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
- <sup>264</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in member states for granting and withdrawing refugee status.
- <sup>265</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national.