

Background and IRC Recommendations on Sudanese Refugees and Asylum Seekers in Cairo

Since 1999, UNHCR has assisted some 16,000 Sudanese in Egypt to resettle to the United States and other countries. However, UNHCR stopped conducting full refugee status determinations and referring Sudanese refugees for resettlement in other countries after the Comprehensive Peace Agreement was signed in January 2005. While UNHCR continued recognizing Sudanese nationals as “Person of Concern” under its mandate, IRC believes that UNHCR’s cessation of refugee status determinations and resettlement referral, along with its immediate shift of emphasis to repatriation, was premature. As evidenced by recent events, Sudanese refugees in Egypt continue to face hardship and are in an extremely vulnerable position. IRC believes that a significant number of Sudanese refugees in Egypt continue to satisfy UNHCR’s resettlement criteria. As one of the largest providers of humanitarian assistance in Sudan for more than 20 years, IRC believes that conditions are not yet conducive to the organized, large-scale repatriation of refugees to south Sudan (and no repatriation at all is appropriate yet in Darfur).

On December 30, 2005, some 3,000 Sudanese living in Egypt protested what they viewed as mistreatment by Egyptian authorities and a lack of appropriate response to their plight by the UN refugee agency. At least 26 Sudanese died and hundreds were injured in the confrontation with Egyptian police after the police attempted to clear a squatters’ camp. After the confrontation, 440 Sudanese were arrested.

Since the events of December 30, UNCHR has taken a number of appropriate steps, including:

- pressing the Egyptian government for unhindered access to the detainees;
- urging the release of all refugees, asylum seekers, women, children, and Darfurians;
- sending more than 20 staff to interview detainees; and
- providing a range of services (food, shelter, medical care, financial assistance, family tracing, foster care, legal assistance, etc.) for those released and for others affected by the violence of December 30.

However, while UNHCR has resumed registration of Sudanese asylum seekers, it has not yet resumed full refugee status determinations.

Although the Egyptian government initially announced plans to forcibly return to Sudan some 600 Sudanese, it recently announced that it would not do so. IRC commends this decision. IRC is also pleased that the government has conducted an internal investigation of the events of December 30 but is disappointed that it has rejected calls for an international investigation.

To ensure the protection and assistance of the Sudanese population in Egypt, IRC urges the government of the Arab Republic of Egypt to do the following:

- 1) Refrain from the forced return to Sudan of any Sudanese refugee or asylum seeker. This prohibition against refoulement is binding on Egypt as a norm of customary international law as well as Egypt’s obligations as a party to the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention.
- 2) Cooperate fully with outside investigations of the events of December 30 and hold accountable anyone responsible for gross violations of human rights.
- 3) Provide UNHCR with a full list of all Sudanese remaining in detention and continue providing unhindered access to detainees. Allow UNHCR protection officers to conduct status determination procedures where applicable.
- 4) Provide medical treatment and compensation to the injured as required under the relevant conventions.
- 5) Pursue the establishment of a national refugee status determination procedure, in accordance with the 1951 UN Refugee Convention to which Egypt is a party.

IRC urges UNHCR to do the following:

- 1) Ensure that no Sudanese are forcibly returned from Egypt to Sudan.

- 2) Re-instate full refugee status determination procedures for all Sudanese in Egypt who request such a determination, and refer for resettlement those refugees for whom third-country resettlement is the most appropriate solution. Such individuals may include survivors of violence and those in need of protection or family reunification.
- 3) Provide an adequate and timely process for asylum seekers to appeal first-instance rejections of refugee status. Re-open and review case files when new and additional evidence is presented.
- 4) Improve the process for disseminating information to refugee and asylum seeker communities in Egypt, to help avoid misunderstandings that can lead to conflict. Remedy information gaps by holding regular information sessions and issuing materials in appropriate languages.
- 5) Review internal protocols for dealing with public demonstrations. For example, closing UNHCR offices for extended periods of time may not be appropriate.
- 6) Encourage and facilitate the establishment of a refugee determination process conducted by the Egyptian government.

Finally, given the current level of spontaneous returns to south Sudan and in order to facilitate the eventual large-scale return of such refugees when conditions allow, IRC urges UNHCR and other members of the international community to do the following:

- 1) Enhance efforts to create conditions conducive to return, reintegration, and recovery within Sudan. Such efforts should include the provision of basic services, livelihood opportunities, protection, and other conflict-sensitive reintegration activities in areas of origin.
- 2) Immediately establish an effective monitoring system to assess conditions for the return of refugees and internally displaced persons in south Sudan. Establish benchmarks to measure conditions of return, and ensure information sharing with refugees and displaced persons so that they may make a voluntary and informed choice regarding return.