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Obligations of a Country Where Trafficking For Ransom Occurs

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CASE WESTERN RESERVE UNIVERSITY
SCHOOL OF LAW

MEMORANDUM FOR THE CRIMES AGAINST CHILDREN TEAM, TRAFFICKING IN
HUMAN BEINGS SUB-DIRECTORATE, INTERPOL GENERAL SECRETARIAT

Issue 5: Obligations of a Country Where Trafficking For Ransom Occurs
December 2, 2013

Prepared by Morgan Kears
J.D. Candidate, 2015
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TABLE OF CONTENTS

I. INTRODUCTION 7

 A. SCOPE..... 7

 B. SUMMARY OF CONCLUSIONS..... 10

 i. A 3-P Paradigm establishes an obligation to prosecute, protect and prevent..... 10

 ii. Egypt created national laws and regulations that give it a duty to protect against torture but lack enforcement..... 10

 iii. Egypt should begin criminal investigation of any reported participant who is within its jurisdiction..... 10

II. FACTUAL BACKGROUND..... 10

 Active Trafficking for ransom..... 10

 Smuggling Route..... 11

 Israel 13

 Eritrea 14

 Aiders and Abettors 16

III. LEGAL DISCUSSION 16

 A. Egypt’s Obligations under the 2000 United Nations Convention against Transnational Organized Crime and the Protocols Thereto 16

 B. Egypt’s Obligations under the 1951 Refugee Convention..... 21

 C. Egypt’s Obligations under Article 6 of the International Covenant on Civil and Political Rights (ICCPR)..... 22

 D. Egypt’s Obligations Under the UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment..... 23

IV. CONCLUSION 31

Recommendations 33

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I. INTRODUCTION

A. SCOPE

This memorandum discusses the responsibilities and obligations of a country in which active, widespread, and long-term trafficking for ransom is taking place (i.e., the middle country) towards the victims of the trafficking and the offenders under international law and the law of the state where the kidnapped or smuggled persons have been taken, held against their will, and subjected to conditions—rape, torture, mutilation, starvation, slavery, and murder—that violate internationally recognized human rights conventions and practices.

This memorandum focuses on Egypt, which continues to be both a transit country, as well as one that receives refugees. Egypt is signatory to the 1951 Refugee Convention and its 1967 Protocol, but has yet to develop domestic asylum procedures. UNHCR continues to carry out registration and refugee status determination processes (“RSD”). In 2011-2012, the registration of new asylum-seekers in Egypt by UNHCR, especially from Sudan and South Sudan increased with accelerated RSD procedures put in place for Sudanese asylum-seekers from Darfur and individual RSD interviews for asylum-seekers from South Kordofan and Blue Nile State were begun. The deteriorating situation in the Syrian Arab Republic led to an increased number of Syrians applying for registration. To date, close to 5,000 Syrians have been registered, although many more are reported to have arrived in Egypt. Over 1,700 people of concern who fled the conflict in Libya in 2011 are awaiting durable solutions remain at Saloum, at the Egypt-Libya border. In early 2012, UNHCR was authorized by the Egyptian Government to set up a camp within

the port area of Saloum where adequate shelter and basic services could be provided. Refugees and asylum seekers, thus arrive mainly from Syria, Sudan, Iraq, and countries in the Horn of Africa.¹ Eritrean nationals fleeing an extremely repressive state made up the vast majority of the migrants entering Israel through the Sinai desert, followed by Sudanese nationals from Darfur and a smaller numbers of Ethiopians and other Africans.

The massive human rights abuses suffered by refugees on Egyptian soil has triggered much discussion and finger-pointing but until recently very little in the way of concrete or lasting solutions despite the clear obligation of the international community to act in lieu of the failure and/or incapacity of Egypt, the nation, state to do so. These obligations are clearly laid out in the Geneva Convention, the Covenant of the United Nations and in its 1st Optional Protocol, the UN Convention Relating to the Status of Refugees (1951), the Convention Governing Specific Aspects of Refugee Problems in Africa (entered in force in 1974), the UN Convention against Transnational Organized Crime and the Protocols Thereto, the 2000 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

¹ HUMAN RIGHTS WATCH, *Egypt End Traffickers' Abuse of Migrants: Rescue People Held for Ransom From Sinai Hideouts, Prosecute Captors*, <http://www.hrw.org/news/2010/12/09/egypt-end-traffickers-abuse-migrants> (Dec. 9, 2010) (In 2010, the UNHCR reported that the vast majority of migrants (85 percent) entering Israel through the Sinai desert were Eritrean nationals fleeing a repressive state and Human Rights Watch has reported that the next largest group of migrants entering Israel were Sudanese nationals from Darfur, followed by smaller numbers of Ethiopians and other Africans); The 2013 UNHRC Report on Egypt reveals changes in the proportions of refugees arriving in Egypt and a continued crisis, <http://www.unhcr.org/pages/49e486356.html>(reveals changes in the proportions of refugees arriving in Egypt and a continued crisis),

(CAT) and the International Covenant on Civil and Political Rights (ICCPR).² Key provisions of the most important of these international standards for the protection of men, women and children who currently suffer numerous human rights violations and global prosecution standards for bringing the perpetrators to justice are discussed below.

The cornerstone principle of refugee law prohibits the return (refoulement) of refugees to countries where they have a well-founded fear of persecution or to third countries that might not respect that prohibition. Yet Egypt (and Israel) have engaged in the deportation of Southern Sudanese, including recognized refugees and asylum seekers, to Sudan and the forcible return of Eritreans.³ 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 must take action on all three levels.⁴

² Convention and Protocol Relating to The Status of Refugees (adopted July 28, 1951), <http://www.ohchr.org/Documents/ProfessionalInterest/refugees.pdf>

³ HUMAN RIGHTS WATCH, *Sinai Perils: Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel*, <http://www.hrw.org/reports/2008/11/12/sinai-perils> (Nov. 12, 2008).

⁴ U.S. DEPARTMENT OF STATE: DIPLOMACY IN ACTION, *Prosecution*, <http://www.state.gov/j/tip/4p/prosecute>. (The “3P” paradigm is outlined in the UN Trafficking in Persons Protocol and the U.S. Trafficking Victims Protection Act. As secretary of state, Hillary Clinton added a fourth P, partnership, to serve “as a pathway to progress in the effort against modern slavery”).

B. SUMMARY OF CONCLUSIONS

i. A 3-P Paradigm establishes an obligation to prosecute, protect and prevent.

Under human rights law, UN member states have an obligation to prosecute, protect and prevent acts of human trafficking within their jurisdiction.

ii. Egypt created national laws and regulations that give it a duty to protect against torture but lack enforcement.

To comply with the UN Convention on Torture, Egypt created a national law, Penal Code 126 that gives it an obligation to investigate individuals who participate in actions defined as torture or those who aid and abet.

iii. Egypt should begin criminal investigation of any reported participant who is within its jurisdiction.

In order to eliminate or decrease active trafficking, through Egypt as the 'middle' ground, Egypt's authorities must investigate legitimate reports of victims and attacks within its borders.

II. FACTUAL BACKGROUND

Active Trafficking for ransom

Trafficking for ransom occurs when a person is taken and held against their will (and often tortured) and forced to call their relatives and friends to get money in the hopes of being released. Since 2011, trafficking for ransom has been active in Egypt with Bedouin tribes taking refugees from camps within Ethiopia and Sudan and transporting them to the Sinai Peninsula. The ousting of the former president of Egypt, President Hosni Mubarak, and then later President Mohammed Morsi, are said to be major factors in these criminal acts.⁵ In Egypt's current political climate

⁵ BEN WEDEMAN ET AL., Coup topples Egypt's Morsy; deposed president under 'house arrest', CNN, (July 4, 2013 4:29 AM),

the state has been deemed a “lawless area.”⁶ The lack of military support and political chaos leaves little help to end the smuggling of trafficked victims.

Smuggling Route

This memorandum will focus on two types of trafficking victims that have been reported. In the first category are what are called deceived travellers, individuals who pay an initial fee (e.g. \$1,000 or \$2,000) and then later often forced to make additional payments in the form of ransom.⁷ The second category, abductees, includes individuals who are taken against their will from the outset and then ransomed.⁸ Typical ransom amounts range from approximately \$19,780 to \$30,334,⁹

Most of the victims of the trafficking have been Eritrean citizens residing in refugee camps within Sudan and Egypt and more recently, persons of Christian identity. Within Sudan three refugee camps are located 70km west of the Eritrean border (Shagarab I, Shagarab II and Shagarab III).¹⁰ These camps in Sudan are

http://edition.cnn.com/2013/07/03/world/meast/egypt-protests/index.html?hpt=hp_t1.

⁶ Michael Carl, *Kidnapping Ring Thrives Under Egyptian Chaos: Trafficking in refugees, ransom and torture*, WND FAITH, (July 14, 2013 7:00 PM), <http://www.persecution.org/2013/07/21/eritrean-christians-targeted-by-human-trafficking-ring-flourishing-under-egypts-political-chaos/>.

⁷ Karen Jacobsen, Sara Robinson and Laurie Lijnders, *Ransom, Collaborators, Corruption: Sinai Trafficking and Transnational Networks. A Case Study of the Eritrean Migration System from Eritrea to Israel*, FEINSTEIN INTERNATIONAL CENTER, TUFTS UNIVERSITY, 7 (Aug. 2013), <http://sites.tufts.edu/feinstein/files/2013/08/Ransom-Collaborate-Corrupt-8-12.pdf>.

⁸ *Id.*

⁹ *Id.* at 8.

¹⁰ See MAP, RELIEFWEB REPORT, *Sudan:Sudan: Shagarab I, II, and III Refugee Camp Overview Map (as of 24 Dec 2008)*, GERMAN AEROSPACE CENTER,

unsafe.¹¹ In addition, Sudanese officials are often found cooperating with the smugglers.¹² The participation by Sudanese authorities goes against the 1951 Geneva Conventions. The officials deport refugees to Eritrea at the country's request and participate in the sale of refugees to smugglers (including refugees with UNHCR cards).¹³

When in Sinai, the kidnappers have the victims call relatives/families to “beg” for ransom payments.¹⁴ Victims are tortured while their families listen. Reports indicate that victims are asked initially if they have family abroad in Western countries. If so, more ransom money is demanded.¹⁵ The victims, including children and babies, are beaten with sticks, metal pipes, chains, forced into sexual servitude, and forced labor during captivity in Sinai.¹⁶ When the payments aren't made, the

<http://reliefweb.int/map/sudan/sudan-shagarab-i-ii-and-iii-refugee-camp-overview-map-24-dec-2008> (Apr. 17, 2009).

¹¹ ICER EXECUTIVE, *The Saga of the Eritrean Refugees and The Human Smugglers (with a list of their names)*, ICER, <http://asmarino.com/press-releases/1341-the-saga-of-the-eritrean-refugees-and-the-human-smugglers-with-a-list-of-their-names> (Feb. 17, 2012, 4:18 PM).

¹² *Id.*

¹³ *Id.*

¹⁴ Vered Lee, *How Did I Vote?*, HAARETZ.com (July 7, 2009, 2:02 AM), <http://www.haaretz.com/print-edition/features/how-did-i-vote-1.279503>; Ron Friedman, *UNHCR Envoy Cautions MKs Over Infiltration Protection Bill*, THE JERUSALEM POST (Mar. 2, 2010), <http://www.jpost.com/Israel/UNHCR-envoy-cautions-MKs-over-infiltration-protection-bill>.

¹⁵ Ashish K. Sen, *Egypt: 'In Sinai, I saw hell'; refugees are easy prey for brutal human traffickers*, THE WASHINGTON TIMES (July 21, 2013), <http://www.washingtontimes.com/news/2013/jul/21/in-sinai-i-saw-hell-refugees-are-easy-prey-for-bru/?page=all>.

¹⁶ *Id.*

victims are usually killed (one instance a “man was tortured, doused with petrol and burnt to death,” while the others were forced to take turns holding the corpse).¹⁷

The family members of the victims do whatever they can to pool together money from relatives living in many countries (“flow of ransom money from the diaspora communities”).¹⁸

Israel

Israel doesn't accept the refugees and has occasionally labeled them as “infiltrators.”¹⁹ In May of 2008, Israel passed an update to their Infiltration Prevention Law. This new bill made it legal for Israel Defense forces to deport asylum seekers without providing a Refugee Status Determination, as required by the 1951 Geneva Convention. After criticism from the UNHCR, Israel dropped the bill in 2010 to again comply with the 1951 Convention. On June 3, 2012 Israel enacted a new law that allows authorities to detain illegal migrants for up to 3 years.²⁰ “The law makes illegal migrants and asylum seekers liable to jail, without trial or deportation, if caught staying in Israel for long periods. In addition, anyone helping migrants or providing them with shelter could face prison sentences of between five and 15 years.”²¹ Currently all illegal migrants found at the Israel-Egypt

¹⁷ Niclas Rolander, *Swedish Court in Europe to Charge Blackmail in Sinai Case*, THE WALL STREET JOURNAL (May 28, 2013, 3:50 PM), <http://blogs.wsj.com/middleeast/2013/05/28/swedish-court-is-first-in-europe-to-charge-blackmail-in-sinai-case/>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Dana Weiler-Polak, *Israel Enacts Law Allowing Authorities To Detain Illegal Migrants For Up To 3 Years*, HAARETZ.COM (June 3, 2012 2:10PM), <http://www.haaretz.com/news/national/israel-enacts-law-allowing-authorities-to-detain-illegal-migrants-for-up-to-3-years-1.434127>.

²¹ *Id.*

border are being transferred held at the “Saharonim detention facility that holds 2,000 spaces.”²²

To decrease the number of asylum seekers flooding into its state, Israel built a fence along its Egyptian border. Less access to Egypt meant fewer refugees looking to take that route to the country. As a result, the Raishida lost money and turned to kidnapping to restore their funds.²³ This explains the decrease in the number of victims who voluntarily take the route to Israel and are subsequently forced to pay and the influx of refugees abducted from camps.

Eritrea

Eritrea was a former Italian colony from 1889 to 1941.²⁴ After that it was a protectorate of Great Britain and later federated with Ethiopia in 1952. Eritrea and Ethiopia’s relations worsened after the Marxist regime came to power in 1974.²⁵ Eritrea finally gained its Independence in 1993.²⁶ For 5 years until 1998, Ethiopia and Eritrea remained on good terms until armed conflict arose.²⁷ This conflict drew to a close on December 12, 2000 but from this the Claims Commission was established.²⁸ Eritrea-Ethiopia Claims Commission has 5 members, two appointed

²² *Id.*

²³ See supra 14, Ashish K. Sen, *Egypt: ‘In Sinai, I saw hell’; refugees are easy prey for brutal human traffickers*, THE WASHINGTON TIMES (July 21, 2013), <http://www.washingtontimes.com/news/2013/jul/21/in-sinai-i-saw-hell-refugees-are-easy-prey-for-bru/?page=all>.

²⁴ Civil Liability for Violations of International Humanitarian Law: The Jurisprudence of the Eritrea-Ethiopia Claims Commission in the Hague [article] *Wisconsin International Law Journal*, Vol. 25, Issue 1 (2007), pp. 23-88 Kidane, Won 25 Wis. Int’l L.J. 23 (2007-2008).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

be each party and the four appointed members nominate the last person on.²⁹ The commission adopted a quasi reparation and arbitral model. The final decisions of the Commission are final and binding without any possibility of appeal.³⁰

Currently, Eritrea is site of human trafficking and ransom activities. The root of the problem is that the Eritrean Government is largely supporting these activities through its own participation. Over the last 6 years 36,000 Eritreans have made their way to Israel.³¹ There are two types of individuals those that voluntarily want to go to Israel and those that have no intension but are kidnapped and taken against their will. And to get there they go through tunnels of traffickers and smugglers.

How do they get to Israel? Most Eritreans are taken from East Sudan, sold to Sinai traffickers who also abuse them before taking them to Israel.³² Therefore to understand the problem one must identify the players. There are the victims (1) Eritreans and (2) their extended family, Eritreans in the diaspora. Next, there are the actors (1) The Eritrean government, (2) smugglers from the Rishaida tribe, (3) Sudanese/Egyptian authorities, and (4) Bedouin smugglers in Egypt. This, this

²⁹ Karen Jacobsen, Sara Robinson and Laurie Lijnders, Ransom, Collaborators, Corruption: Sinai Trafficking and Transnational Networks. A Case Study of the Eritrean Migration System from Eritrea to Israel, FEINSTEIN INTERNATIONAL CENTER, TUFTS UNIVERSITY, 7 (Aug. 2013),

³⁰ *Id.*

³¹ *Id.*

³² Karen Jacobsen, Sara Robinson and Laurie Lijnders, Ransom, Collaborators, Corruption: Sinai Trafficking and Transnational Networks. A Case Study of the Eritrean Migration System from Eritrea to Israel, FEINSTEIN INTERNATIONAL CENTER, TUFTS UNIVERSITY, 7 (Aug. 2013), <http://sites.tufts.edu/feinstein/files/2013/08/Ransom-Collaborate-Corrupt-8-12.pdf>.

conflict is further complicated because of all the intermediate players involved in furthering this crime.³³

Aiders and Abettors

Evidence collected by Swedish-Eritrean human rights activists show links between the network of smuggling and ransoms paid in Sweden, Switzerland, in Italy, in the USA, and in Saudi Arabia.³⁴ These countries could make arrests, as was shown in a Swedish case, but individuals do not want to report the activity out of fear. The Solna district court in Sweden is the first to case of its kind where a European country has charged its citizen for their involvement in the kidnappings.³⁵

“We have made recommendations to a number of countries, but at the forefront are the Egyptian authorities, who have the responsibility to protect anyone within their territory.”³⁶

~Ms. Claire Beston
Amnesty International researcher

III. LEGAL DISCUSSION

A. Egypt’s Obligations under the 2000 United Nations Convention against Transnational Organized Crime and the Protocols Thereto

As a signature Member State to the UN Convention against Transnational Organized Crime and the Protocols Thereto adopted by the General Assembly

³³ *Id.*

³⁴ Niclas Rolander, *Swedish Court in Europe to Charge Blackmail in Sinai Case*, THE WALL STREET JOURNAL (May 28, 2013, 3:50 PM), <http://blogs.wsj.com/middleeast/2013/05/28/swedish-court-is-first-in-europe-to-charge-blackmail-in-sinai-case/>.

³⁵ *Id.*

³⁶ *Id.*

resolution November 15, 2000 and opened for signatures on December 12-15, 2000, Egypt obligated itself to act in cooperation with other Member States in “taking a series of measures against transnational organized crime” as outlined in the Convention. The Convention entered into force on September 29, 2003 and was signed and ratified by Egypt respectively on December 13, 2000 and March 5, 2004.³⁷ Two of the three Protocols attached to the Convention apply directly to the problem of trafficking for ransom in Egypt.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children represents “the first global legally binding instrument with an agreed definition on trafficking in persons.” Its goal is to “facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases” and additionally, “to protect and assist the victims . . . with full respect for their human rights.”³⁸

³⁷ G.A. Res. 55/25, U.N. GOAR, 51st Sess., U.N. Doc. A/RES/55/25 (Nov. 10, 2000); G.A. Res. 55/255, U.N. GOAR, 51st Sess., Agenda Item 105 (May 31, 2001), <http://www.unodc.org/unodc/treaties/CTOC/>; <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>; *UN CATOC Signature Page*, U.N. Doc. A/55/383 (Sep. 29, 2003), http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en.

³⁸ United Nations Office on Drugs and Crime, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto* (2004), <http://www.unodc.org/unodc/treaties/CTOC/>, <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>; *Compare Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, U.N. Doc. A/55/383 (Nov. 15, 2000),

The Protocol against the Smuggling of Migrants by Land, Sea and Air is aimed at organized criminal groups engaged in smuggling migrants at a profit. It provided for the first time in an international convention, an agreed upon definition of smuggling of migrants.

The kidnapers operate as criminal gangs. Amnesty International has identified members of the Sudanese Rashaida tribe as persons responsible for kidnapping Eritreans from Sudanese refugee camps and selling them to a criminal enterprise run by Bedouins in Egypt's Sinai Peninsula. The Bedouin criminal gangs then hold the refugees for ransom, demanding payments as large as \$40,000 from the victims' families. In the meantime, also as noted above, they torture the victims. Kidnap victims are beaten, electrocuted, drowned, hanged, amputated, and raped and forced into sexual servitude or forced labor. According to Father Mussie Zera, an Eritrean who heads the Habeshia Agency for Development at the Vatican, a charity for refugees and migrants, conditions have worsened in the Sinai since the Egyptian revolution that replaced ousted president Hosni Mubarak with Mohammed Morsi who was subsequently himself ousted, with criminal gangs operating with more impunity. Elsa Chyrum, a London-based human rights activist has described Rashaida and Bedouin tribes that participate in the traffic as "part of a

<http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> with The International Convention for the Suppression of the Traffic in Women and Children of 1921, *amended in 1947. The 1921 Convention was concerned to prevent trafficking in women for the purpose of prostitution*, The International Convention for the Suppression of the Traffic in Women and Children of 1921, Nov. 12, 1947, http://treaties.un.org/doc/Treaties/1950/04/19500424%2010-31%20PM/Ch_VII_2p.pdf

mafia-like human-smuggling network with branches in Europe and parts of Africa including Egypt....”³⁹ Further evidence of the criminal nature of the kidnapping enterprise came this past spring when the two Swedish men were charged with racketeering in connection with the kidnapping of Eritreans.⁴⁰

Egypt has an obligation to ensure that its territory is not used to sponsor human rights violations. These obligations are clear under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The protocol defines trafficking “as the recruitment, transportation, transfer, harboring, or receipt of persons through ‘the threat or use of force or other forms of coercion...or of the giving or receiving of payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation.’” International organizations have provided evidence of women being

³⁹ Gianluca Mezzofiore, *Eritrea’s Forgotten Refugees Kidnapped, Tortured, Ransomed and Killed in Sinai*, INTERNATIONAL BUSINESS TIMES (Apr. 9, 2013), <http://www.ibtimes.co.uk/articles/455019/20130409/eritrean-sinai-refugees-egypt-sudan.htm> (A 1979 Egyptian-Israeli peace treaty limited the number of Egyptian forces that could be deployed in the Sinai. In recognition of the deteriorating situation, in July 2013, Israel gave the Egyptian government permission to deploy two more infantry battalions there); Ashish K. Sen, *Egypt: ‘In Sinai, I saw hell’; refugees are easy prey for brutal human traffickers*, THE WASHINGTON TIMES (July 21, 2013), <http://www.washingtontimes.com/news/2013/jul/21/in-sinai-i-saw-hell-refugees-are-easy-prey-for-bru/?page=all>. A 1979 Egyptian-Israeli peace treaty limited the number of Egyptian forces that could be deployed in the Sinai. In recognition of the deteriorating situation, in July 2013, Israel gave the Egyptian government permission to deploy two more infantry battalions there. Ashish Kumar Sen, “Egypt: ‘In Sinai, I saw hell’; refugees are easy prey for brutal human traffickers,” *The Washington Times*, July 21, 2013 <http://www.washingtontimes.com/news/2013/jul/21/in-sinai-i-saw-hell-refugees-are-easy-prey-for-bru/?page=all>

⁴⁰ Gianluca Mezzofiore, *Swedish Men Charged with Extortion Racket Linked to Eritrea Kidnappings*, INTERNATIONAL BUSINESS TIMES (May 28, 2013), <http://www.ibtimes.co.uk/articles/471970/20130528/swedish-nationals-charged-extortion-connection-eritreans-kidnappings.htm>.

repeated raped, sometimes for days and weeks at a time and at gunpoint. Doctors working with Human Rights-Israel reported carrying out 80 abortions in the first 11 months of 2010 on women who were asylum seekers and migrant women believed to have been sexually assaulted in the Sinai.⁴¹ Those “who control the migrants through force and threats and subject them to forced labor, rape, and extortion for money meet the definition of traffickers and should be brought to justice,” writes Human Rights Watch.⁴²

Egypt is also obligated under its state law to prosecute individuals or groups engaged in trafficking human beings on its soil. Its penal code, its 2008 Child Law, and its Organ Transplant Law all criminalize trafficking.⁴³ Article 2 of Egypt’s Law 64 on the Combat of Human Trafficking which “defines trafficking as the sale or transport, of people through the use of force, or abduction, fraud or deception, or exploiting people for purposes such as forced labor or services, slavery or practices similar to slavery or servitude” is in line with international protocols. Article 23 of Law 64 states: “Efforts shall be made to identify the victim, to classify him, to determine his identity, nationality, and age to ensure that he is far removed from his perpetrators.” The law also states that victims have the right to safety, privacy, legal assistance, and protection of identity. But Human Rights Watch notes: “There have been no known prosecutions of traffickers and other criminals responsible for

⁴¹ HUMAN RIGHTS WATCH, *Egypt End Traffickers’ Abuse of Migrants: Rescue People Held for Ransom From Sinai Hideouts, Prosecute Captors*, <http://www.hrw.org/news/2010/12/09/egypt-end-traffickers-abuse-migrants> (Dec. 9, 2010).

⁴² *Id.*

⁴³ *Id.*

abuses against African migrants and asylum seekers in Sinai.”⁴⁴

B. Egypt’s Obligations under the 1951 Refugee Convention

Under the terms of the 1951 Refugee Convention, Egypt is obligated to allow asylum seekers to apply for asylum. In the past, it consistently denied UNHCR’s request for access to refugees, migrants and asylum seekers in the Sinai who have grounds to seek asylum are in violation of the 1951 Convention and its 1954 memorandum of understanding with the UN refugee agency by which the agency is charged with carrying out all refugee status determinations in Egypt. The convention and memorandum requires Egyptian officials to give UNHCR access to all detained asylum seekers in order to identify those who want to claim their right to seek asylum from persecution.⁴⁵

⁴⁴ HUMAN RIGHTS WATCH, *Egypt: End Sinai Nightmare for Migrants - Target Traffickers Who Detain, Torture, Sexually Assault Hundreds* (Sep. 5, 2010), <http://www.hrw.org/news/2012/09/05/egypt-end-sinai-nightmare-migrants> (In the rare cases where Egypt has prosecuted human trafficking cases, they have focused on foreign domestic workers or Egyptians being trafficked abroad); See *2011 Fact Sheet Combating Human Trafficking in Egypt*, INTERNATIONAL ORGANIZATION FOR MIGRATION (2011), <http://www.egypt.iom.int/Doc/CT%20Fact%20Sheet%20Egypt%20June%202011.pdf>.

For a summary fact sheet on Egypt’s legislative response to the crisis, including Law 64, see the information at this link.

⁴⁵ “HUMAN RIGHTS WATCH, *Egypt: End Sinai Nightmare for Migrants - Target Traffickers Who Detain, Torture, Sexually Assault Hundreds* (Sep. 5, 2010), <http://www.hrw.org/news/2012/09/05/egypt-end-sinai-nightmare-migrants>; United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, *Held at Geneva, Switzerland, from 2 to 25 July 1951*, Final Act and Convention Relating to the Status of Refugees; Convention relating to the Status of Refugees, Refugees and Stateless Persons, A/CONF.2/108, July 28, 1951, http://treaties.un.org/doc/Treaties/1954/04/19540422%2000-23%20AM/Ch_V_2p.pdf.

Under international refugee law, a refugee is a person who has a well-founded fear of persecution if returned to his or her country of origin. An asylum seeker is someone who has notified relevant authorities that he or she wants to make a refugee claim. Refugee law, as well as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the ICCPR, prohibit both Egypt and Israel from forcibly returning refugees to countries where they have a well-founded fear of persecution or face a real risk of torture, or to third countries that might not respect that prohibition. Israel, as a state party to the Refugee Convention and Protocol, should detain refugees and asylum seekers only as necessary to ascertain their identity and the basis of their asylum claims, and should not penalize asylum seekers for irregular entry. Egypt, also a state party to the Refugee Convention (as well as to the African Refugee Convention), should allow detained migrants to present asylum claims and have those claims adjudicated, prior to any decision to deport. Both Israel and Egypt are obliged by refugee law, the ICCPR, and the Convention on the Rights of the Child to ensure that children are separated from their parents only when it is in the best interests of the child. They should also ensure that, if a child must be detained, it is in suitable conditions. These conventions also require not to separate families unnecessarily and to take steps to facilitate family reunification, even if the state itself was not directly responsible for their separation.⁴⁶

Egypt has evaded its obligations by not enacting asylum legislation, ceding its obligations instead to international and regional refugee conventions. Under the terms of a 1954 Memorandum of Understanding, Egypt devolved all responsibility for refugee status determination (“RSD”) to UNHCR. UNCHR’s 2013 report shows great improvement in this area with UNHRC able to register an increasing number of asylum seekers.

C. Egypt’s Obligations under Article 6 of the International Covenant on Civil and Political Rights (ICCPR)

⁴⁶ HUMAN RIGHTS WATCH, *Egypt/Israel: Egypt Should End ‘Shoot to Stop’ Practice at Sinai Border Crossings--Israel and Egypt Should Halt Forced Returns to Abuse*, (Nov. 12, 2008), <http://www.hrw.org/print/news/2008/11/12/egypt-end-shoot-stop-practice-sinai-border-crossings>.

Egypt has been accused of using lethal force against border crossers, a clear deprivation of the right to life as defined under Article 6 of the ICCPR and therefore in violation of this article. A state has the right to regulate its borders but it cannot violate its obligations under international law in the process. It is obligated to follow due process procedures. Under the ICCPR, a person detained on suspicions of violating national laws must receive due process and a fair trial.⁴⁷

D. Egypt's Obligations Under the UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Torture Convention") is a treaty adopted by the General Assembly in 1984, under resolution 39/46.⁴⁸ Article 1 of the Torture Convention defines torture as:

any act by severe pain or suffering, whether physical or mental, intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from,

⁴⁷ HUMAN RIGHTS WATCH, *Egypt/Israel: Egypt Should End 'Shoot to Stop' Practice at Sinai Border Crossings--Israel and Egypt Should Halt Forced Returns to Abuse*, (Nov. 12, 2008), <http://www.hrw.org/print/news/2008/11/12/egypt-end-shoot-stop-practice-sinai-border-crossings>.

⁴⁸ Hans Danelius, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN Audiovisual Library of International Law (2008), http://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf.

inherent in or incidental to lawful sanctions.⁴⁹

As a member to the Torture Conventions, a state has an obligation under Article 2 to “take effective legislative, administrative, judicial or other measures to prevent acts of torture. The prohibition against torture shall be absolute and shall be upheld also in a state of war and in other exceptional circumstances” in order to ensure compliance as well with Article 4 which states “that acts of torture are serious criminal offences within its legal system.”

Egypt created and recently revised its Penal Code 126.⁵⁰ As a member to the Torture Convention, Egypt submits annual reports to the UN to show how it will implement judicial and legislative reforms regarding human rights concerns. Article 3 of the Torture Convention states that “No State party may expel or extradite a person to a State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” Yet, at the request of Eritrea, Egypt has sent or extradited Eritrean refugees back to their home country. This is a violation of several international conventions including the Torture Conventions under Article 3. Due to the political climate of Eritrea, including its compulsive military program beginning at age fourteen and its current state of conflict, Egypt has cause to know that to send these people back places them in extreme danger. In a recent CAT list

⁴⁹ 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46 U.N. GAOR, at 3 (Dec. 10, 1984), <http://cil.nus.edu.sg/rp/il/pdf/1984%20Convention%20against%20Torture%20and%20Other%20Cruel%20Inhuman%20or%20Degrading%20Treatment%20or%20Punishment-pdf.pdf>.

⁵⁰ George Sadek, *Egypt: Draft Law Enhancing Punishment for the Crime of Torture Approved*, Library of Congress (May 10, 2012), http://www.loc.gov/lawweb/servlet/lloc_news?disp3_I205403138_text.

of issues prior to reporting, CAT requested Egypt make a commentary to layout statistics of the number of children (working or on the streets) that are involved in the traffic rings.⁵¹

That same year CAT requested Egypt to specifically look into “provisions applicable when the acts of torture (i) are committed against a person other than an accused person; (ii) do not consist in physical abuse; (iii) are committed by a person who does not present himself/herself as an agent of the State party; and (iv) are committed for purposes other than to coerce a confession.” Examining the language used by the UN body, it is important to note that it did not use ‘if’ or ‘might’. Because there is so much evidence of torture, CAT wants Egypt to accept and find that there is a problem and move to act in accordance with CAT. Article 6 of CAT, for example, states that “Each State party shall, on certain conditions, take a person suspected of the offence of torture into custody and make a preliminary inquiry into the facts” and Article 7 requires additionally that “Each State party shall either extradite a person suspected of the offence of torture or submit the case to its own authorities for prosecution.”

In a recent case, Egypt acquitted three police officers charged with committing acts of torture against five civilians who were being held in jail and questioned.⁵² The acts of torture included stripping them of their clothes, beating,

⁵¹ G.A. Res. CAT/C/EGY/Q/5, U.N. GOAR, 44th Sess., (Apr./May 2010), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx.

⁵² Al-Masry Al-Youm, *Three State Security Officers Acquitted in Torture Cases*, EGYPT INDEPENDENT (Nov. 28, 2013 1:58 PM),

deprivation of food and using electricity to obtain confessions.⁵³ All three men charged were former public officials, former officers of Egypt's State Security Investigations Services (SSIS).⁵⁴ Egypt complied with the Torture Convention in that upon notification of these events, the Egyptian government prosecuted two former officials in compliance with Article 12, which states "Each State party shall ensure that its authorities make investigations when there is reasonable ground to believe that an act of torture has been committed."

Still Egypt largely Egypt refuses to admit there are acts of torture occurring within its jurisdictions and this is a huge problem. However, the Torture Conventions, under Article 12 establish the mens rea as reasonable. Thus, Egypt must only have a reasonable belief that torture is occurring within its jurisdiction. After numerous reports from the UNHCR, multiple accusations and witness reports of being tortured, Egypt has knowledge that torture is taking place within its country and should be obligated to reform. It is obligated under Article 13 to "ensure that an individual who alleges that he has been subjected to torture will have his case examined by the competent authorities and under Article 14, to "ensure to victims of torture an enforceable right to fair and adequate compensation."⁵⁵

<http://www.egyptindependent.com/news/three-state-security-officers-acquitted-torture-cases>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Hans Danelius, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN Audiovisual Library of International Law (2008), http://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf.

Egypt acceded to and became a member of the Torture Convention in 1986 without any declaration or reservation. Thus, all covenants within it are legally binding upon the state.⁵⁶ As a party to the Torture Convention, the Egypt has a responsibility to take action against the trafficking of people within its borders. These victims fall within the universal jurisdiction of Article 5. Within Article 5 of the Torture Convention, the principle of universal jurisdiction is established, giving all member States a duty “to assume jurisdiction not only based on territory or the offender’s nationality but also over acts of torture committed outside its territory by persons not being its nationals.”⁵⁷ Victims are held inside Egypt in Sinai, where they are being brutalized and held against their will. In a 2001 the UN Committee Against Torture (“CAT”) Report Egypt acknowledged it does have an obligation under the conventions and stated that it had and would continue to regulate acts of torture and the like within its borders. However, this does mean that the person charged with committing acts of torture within Egypt will be subject to Egypt courts and Egyptian law.⁵⁸

On paper, Egypt’s concern for prosecution of such crimes is noted in its own national criminal law. Under the amended Egyptian penal law (Penal Code 126) of May 7, 2012, the punishment of public officials convicted of committing an act of

⁵⁶ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN *Treaties Series*, Dec. 10, 1984, http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-9&chapter=4&lang=en.

⁵⁷ See Article 5, G.A. Res. CAT/C/EGY/Q/5, U.N. GOAR, 44th Sess., (Apr./May 2010), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx.

⁵⁸ U.N. Committee Against Torture, *Consideration of Reports Submitted By States Parties Under Article 19 Of The Convention*, Fourth Periodic Reports due in 2000, U.N. Doc. CAT/C/55/Add.6 (Oct. 18, 2001).

torture was increased from “one year of imprisonment and a fine of 200 Egyptian pounds (about [50 USD]) to a five-year prison sentence.”⁵⁹ Also, under the amendment those who assist or facilitate in the commission of the crime of the crime are also liable.⁶⁰ “The Egyptian Penal Code applies to any person who commits in Egyptian territory or on board Egyptian ships or aircraft any act regarded as an offence under the provisions of Egyptian law, irrespective of whether the offender is an Egyptian or a foreigner (Penal Code, art. 1).”⁶¹ Any public official who participates in the ascribed act may be charged with a criminal offense. Therefore, Egypt’s duty to act based on international law is confirmed by its judicial laws. These laws also take force and are binding to all citizens, not only against public officials,.

As early as 2000 in its report to CAT, Egypt promised to implement training, education, and information programs to “the promotion of greater awareness of human rights instruments.”⁶² In Egypt, the Department of Public Prosecutions is responsible for investigating crimes under the Torture Convention and also in 2000,

⁵⁹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN *Treaties Series*, Dec. 10, 1984, http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-9&chapter=4&lang=en.

⁶⁰ George Sadek, *Egypt: Draft Law Enhancing Punishment for the Crime of Torture Approved*, Library of Congress (May 10, 2012), http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403138_text.

⁶¹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN *Treaties Series*, Dec. 10, 1984, http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-9&chapter=4&lang=en.

⁶² U.N. Committee Against Torture, *Consideration of Reports Submitted By States Parties Under Article 19 Of The Convention*, Fourth Periodic Reports due in 2000, U.N. Doc. CAT/C/55/Add.6 (Oct. 18, 2001).

Circular Letter No. 19 from the Ministry of Interior stated that even Egyptian “administrative and supervisory personnel ...were [held] responsible for...failure to take the necessary legal measures.”⁶³ Thus, the State has previously held individuals responsible for their failure or omission to act.⁶⁴ Yet, the problem remains that even with ratification of the initial treaties, Egypt’s practice on regulating torture within its country is non-existent.⁶⁵

A young Egyptian woman has described “torture” in Egypt as a “crime against humanity” and it is.⁶⁶ As early as 1992, in response to negative criticisms of Egypt’s actions to eradicate torture, Egypt created the Egyptian Cabinet and assigned it responsibility for investigating torture from a public relations perspective.⁶⁷ Not to “eradicate torture.”⁶⁸ Egypt has laws that criminalize torture; its problem is that it no one enforces them.⁶⁹ In addition to the Penal Code against acts of torture, Article

⁶³ Conclusions and recommendations of the Committee against Torture: Egypt, CAT/C/CR/29/4, *Concluding Observations/Comments* 29th Session (Dec. 23, 2002), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.29.4.En](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.29.4.En)

⁶⁴ U.N. Committee Against Torture, *Consideration of Reports Submitted By States Parties Under Article 19 Of The Convention*, Fourth Periodic Reports due in 2000, 37, U.N. Doc. CAT/C/55/Add.6 (Oct. 18, 2001).

⁶⁵ Oona A. Hathaway, *Attempts to Abolish Torture Through Law: The Promise and Limits of the International Law of Torture*, 199-212, http://www.law.yale.edu/documents/pdf/International_Law_of_Torture.pdf.

⁶⁶ International Handbook of War, Torture, and Terrorism, Peace Psychology Book Series, 104, (Springer Science+Business Media, LLC, Kathleen Malley-Morrison, Sherri McCarthy, & Denise Hines eds., 2013) (Egyptian Female, age 32).

⁶⁷ HUMAN RIGHTS WATCH, *Behind Closed Doors: Torture and Detention in Egypt*, (Middle East Watch 1992), <http://www.hrw.org/sites/default/files/reports/Egypt927.pdf>.

⁶⁸ *Id.*

⁶⁹ *Id.*

57 of the Egyptian Constitution makes it illegal to for “any assault on individual freedom.”⁷⁰

The UN CAT released a list of issues prior to the 5th periodic report from Egypt on its concerns, including a list of specific acts committed by Egyptian authorities.⁷¹ Egypt has not taken action to sign the January 2013, Optional Protocol to the Convention against Torture.⁷² Although Egypt ratified the Torture Convention in the 1980s, it has never ratified an additional protocol.⁷³ Critics of Egypt’s claims that it will implement additional legislative reforms for the prevention and punishment of torture don’t believe the country will or that it is taking serious efforts to combat these activities. And not only this but that the government and Egyptian authorities themselves still commit these acts. In 2011, three news reporters for the Guardian were taken from their vehicle and placed inside an Egyptian holding facility.⁷⁴ The non-Egyptian heritage reporter was asked a series of questions by the authorities in an attempt to gain intelligence. While he

⁷⁰ *Id.*

⁷¹ REFworld, G.A. Res. CAT/C/EGY/Q/5, U.N. GOAR, 44th Sess., (Apr./May 2010), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx; <http://www.refworld.org/publisher,CAT,COUNTRYREP,EGY,4f2144142,0.html>

⁷² U.N. Committee Against Torture, *Consideration of Reports Submitted By States Parties Under Article 19 Of The Convention*, Fourth Periodic Reports due in 2000, 37, U.N. Doc. CAT/C/55/Add.6 (Oct. 18, 2001), <http://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>.

⁷³ Dina Ezzat, *Egypt to refute UN committee concerns over recent torture cases: Sources*, *AHRAMONLINE* (Feb. 28, 2013), <http://english.ahram.org.eg/NewsContent/1/64/65785/Egypt/Politics-/Egypt-to-refute-UN-committee-concerns-over-recent-.aspx>.

⁷⁴ Robert Tait, *28 Hours in the dark heart of Egypt’s torture machine*, *THE GUARDIAN* (Feb. 9, 2011 4:30 PM), <http://www.theguardian.com/world/2011/feb/09/egypt-torture-machine-mubarak-security>.

was being questioned, his fellow reporters were beaten and tortured alongside him.⁷⁵

International law under the Torture Conventions obligates Egypt to act. But the country has generally refused its obligations in this area, downplayed the existence of torture within its country, and created loopholes in enforcement requirements and procedures. Recent reports to the UNHCR, implicate Egypt's involvement in the smuggling of humans from refugee camps and tourist areas into Torture camps in Sinai.⁷⁶ Human Rights Watch released a report that Egypt coerced refugees to leave but Egypt denies that this ever happened.⁷⁷ Egypt suffers from overcrowding due to all of the refugees flooding into the country from Syria and Eritrea.

IV. CONCLUSION

Egypt's obligations toward the victims and offenders in human trafficking for ransom cases under international law are clear and compelling. In the case of Eritrean and other refugees within its border over the past four to five years, it has not come near to meeting its obligations. The political turmoil in the country has played a part but the history of inaction predates the "Egyptian Revolution" of 2011. Trafficking in persons continues to take place on its soil. The obligations of states in

⁷⁵ *Id.*

⁷⁶ Rachel Humphris, Research Paper, *Refugees and the Raishida: human trafficking from smuggling and trafficking from Eritrea to Sudan and Egypt*, The UN Refugee Agency Policy Development and Evaluation Service: New Issues In Refugee Research (2013).

⁷⁷ Tamara Alrifai, HUMAN RIGHTS WATCH, *So That We Don't Become Heavy Guests*, MASRESS ONLINE DAILY (Nov. 27, 2013), <http://www.hrw.org/news/2013/11/27/so-we-don-t-become-heavy-guests>.

relation to trafficking 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 this basic human rights framework, they need to take action on all three levels to meet their international obligations to combat trafficking in persons.

The failure of states to live up to their obligations under international law has sometimes triggered intervention by the UN Security Council and the courts have also sometimes stepped in as in the important case of *Hirsi Jamaa and Others v. Italy* prosecuted in the European Court of Human Rights. The court found among other things, that Italy's so-called "push back" policy of intercepting Libyans in need of protection on the high seas and returning them to Libya (in cooperation with Libya) was a violation of the 1951 Geneva Convention relating to the Status of Refugees. In returning the refugees, Italy's police forces used no identification process nor interviews the refugees to determine if any qualified for asylum.⁷⁸ The United Nations High Commissioner for Refugees (UNHCR) is, by mandate, entrusted by the US General Assembly to provide international protection to refugees and work with nations to seek solutions to protect refugees and may step in per article 35 of the 1951 Convention Relating to the Status of Refugees.⁷⁹ The Human Rights Committee, the body of independent experts that monitors implementation of The International Covenant on Civil and Political Rights (ICCPR) by its State parties may

⁷⁸ REFWORLD, G.A. Res. CAT/C/EGY/Q/5, U.N. GOAR, 44th Sess., (Apr./May 2010), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx; <http://www.refworld.org/publisher,CAT,COUNTRYREP,EGY,4f2144142,0.html>.

⁷⁹ United Nations High Commissioner for Refugees, <http://www.unrol.org/article.aspx?n=unhcr>

also act if Egypt does not. Article 40 of its covenant and the 1st Optional Protocol give it the authority “to receive and consider ‘communications’ from individuals claiming to be victims of violations by state parties of the Covenant.” In addition: “All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations.”⁸⁰ The establishment of a War Crimes Tribunal by the UN Security Council to prosecute war crimes in the former Yugoslavia, the first of its kind since World War II, is also relevant.⁸¹

Finally, the recommendations laid out in Mirjam van Reisen’s report, *Human Trafficking in the Sinai: Refugees between Life and Death*, point to the kind of actions Egypt and other states directly involved or implicated in the crisis can take to meet their obligation under international law.⁸²

Recommendations

“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

⁸⁰ Henry J. Steiner and Philip Allston, *International Human Rights in Context: Law, Politics, Morals* (Oxford, New York: Clarendon Press, 1966), p. 501; Human Rights Committee, UN Human Rights Office of the High Commissioner for Human Rights <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>

⁸¹ James O’Brien, “The International Tribunal for Violations of International Humanism,” in Steiner and Allston, *International Human Rights in Context: Law, Politics, Morals* (Oxford, New York: Clarendon Press, 1966), p. 1064, 1068 *American Journal of International Law* 639 (1993): 1068.

⁸² Mirjam van Reisen, *Human Trafficking in the Sinai: Refugees between Life and Death* (Brussels: Wolf Legal Pub., October 2012.)

the perpetrators.

Interpol: *Support the start of criminal investigations on the organisation of trafficking in persons in the Sinai.*

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.*

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.*

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.*

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

Ethiopia, Sudan and Egypt: *Strengthen measures to protect refugees and migrants from being trafficked, including improved policing, investigation and punishment.*

Egyptian authorities (in dialogue with Bedouin leaders): *Take measures to prosecute and punish the human trafficking network operating from the Sinai.*

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.*

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.*

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.*

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.

The snapshot below provides a summary of the situation in Egypt as of January 2013.⁸³

Residing in Egypt [1]	
Refugees [2]	109,933
Asylum Seekers [3]	16,952
Returned Refugees [4]	4
Internally Displaced Persons (IDPS) [5]	0
Returned IDPs [6]	0
Stateless Persons [7]	60
Various [8]	0
Total Population of Concern	126,949
Originating from Egypt [1]	
Refugees [2]	9,980
Asylum Seekers [3]	3,954
Returned Refugees [4]	4
Internally Displaced Persons (IDPS) [5]	0
Returned IDPs [6]	0
Various [8]	0
Total Population of Concern	13,938
Notes +	
* As at January 2013	

⁸³ Jadaliyya Reports, *Human Trafficking in the Sinai: Refugees Between Life and Death*, JADALIYYA (Nov. 23, 2012), <http://www.jadaliyya.com/pages/index/8479/human-trafficking-in-the-sinai-refugees-between-li>; <http://www.unhcr.org/pages/49e486356.html>