

# Enforced Disappearance in Egypt:

## Migration, Silence, and Grassroots Resistance

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Enforced disappearance is one of the most serious human rights violations under international law. According to the United Nations and the *International Convention for the Protection of All Persons from Enforced Disappearance* adopted in 2006, *enforced disappearance occurs when a person is arrested, detained, or abducted by state authorities, or by individuals acting with the authorization, support, or consent of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealing the person's fate or whereabouts. This practice places individuals outside the protection of the law.*

The United Nations has made it clear that enforced disappearance is a continuous crime. It does not end until the fate of the disappeared person is known. It does not expire over time, and when practiced in a widespread or systematic manner, it may amount to a crime against humanity. No political or security justification, including states of emergency or counterterrorism measures, can legitimize it.

## From Exceptional Measure to Systematic Practice

In Egypt, enforced disappearance has shifted since 2013 from an exceptional practice into a systematic policy. This shift occurred alongside the expansion of security powers and the weakening of judicial oversight. Independent human rights organizations have documented thousands of cases over the past decade. In certain years, particularly between 2015 and 2017, documentation showed between 500 and 1,000 new cases annually.

Disappearances have lasted from days and weeks to months and, in some cases, years. Some individuals have remained forcibly disappeared since 2013, with no information available about their fate or whereabouts. In other cases, detainees appeared months later before State Security prosecutors after long periods of official denial. Some cases ended in extrajudicial killings later announced by authorities.

Despite the scale of this pattern, enforced disappearance is still not clearly criminalized in Egyptian law. This legal gap enables impunity and is reinforced by an official policy of denial. Authorities refuse to recognize enforced disappearance as a crime and instead rely on misleading terms such as “investigation,” “inquiries,” or even “hospitality” to describe people deprived of liberty without legal basis, official records, or family notification. Language, in this context, becomes a tool of concealment rather than clarity.

## Silencing Those Who Document

Those who attempt to document or expose enforced disappearance face serious risks. Journalists and human rights defenders working on these cases are often targeted themselves through disappearance, prolonged detention, or legal harassment. I speak here from personal experience, having been subjected to enforced disappearance and detention due to my journalistic and human rights work. This experience is shared by dozens of Egyptian journalists and rights defenders. Enforced disappearance thus becomes not only a tool to silence opposition, but also a weapon against those who seek to expose the crime itself.

## Migrants and Refugees: Extreme Vulnerability

The risks of enforced disappearance become even greater when examining its impact on migrants and refugees. These communities face compounded vulnerability due to legal insecurity, social marginalization, and racial profiling.

According to UNHCR data, Egypt hosts hundreds of thousands of registered refugees and asylum seekers, mainly from Sudan, Syria, and other African and Middle Eastern countries. At the same time, the International Organization for Migration estimates that Egypt hosts around **9 million migrants**, including refugees, economic migrants, and people without clear legal status.

Most of these individuals did not arrive under normal circumstances. They fled armed conflicts, civil wars, and deeply unstable political environments. Many arrived already suffering from trauma, family loss, economic hardship, and health challenges. This background places them in a fragile position from the outset.

Egypt has recently adopted a new asylum law, approved in December 2024. However, the law has not yet become effective, as its executive regulations have not been issued. As a result, many refugees and asylum seekers continue to depend on temporary documents issued by the UN Refugee Agency, which are not consistently recognized by Egyptian authorities. This legal uncertainty exposes migrants and refugees to arbitrary detention and enforced disappearance, particularly during security campaigns where documentation is ignored or questioned.

## Enforced Disappearance and Kidnapping: Understanding the Difference

At this stage, it is important to clearly distinguish between enforced disappearance as defined under international law and other serious crimes faced by migrants and refugees, particularly kidnapping and human trafficking.

Enforced disappearance, in its strict legal meaning, is a crime committed by the state itself or by actors operating with its authorization, support, or consent. The defining element is state involvement combined with the denial of detention or concealment of the person's fate, which removes the victim from legal protection.

At the same time, many migrants and refugees are subjected to kidnapping by human trafficking networks, particularly along border routes and in remote areas, but also inside the country. These crimes are carried out by organized criminal groups rather than the state directly, yet they occur in contexts where protection and accountability are severely lacking.

Under international human rights law, such kidnappings may amount to **indirect forms of enforced disappearance when the state fails to take reasonable measures to prevent, investigate, or punish these crimes**. In Egypt, this failure is frequently documented, creating a situation in which non-state actors operate with de facto impunity, effectively producing outcomes similar to enforced disappearance.

Women are among the most affected victims of these networks. Migrant women, particularly from African countries such as Eritrea, are frequently kidnapped and subjected to severe sexual violence, including rape, during periods of captivity that can last weeks or months. Many are later forced into exploitative situations inside the country, including domestic work under conditions close to slavery, where their movement is restricted and their legal documents are controlled by traffickers.

Children are also targeted, facing forced labor, exploitation, and prolonged separation from their families. While these cases do not always meet the strict legal definition of enforced disappearance, they share core elements of disappearance, loss of contact, and total control over the victim's life and legal status.

In practice, these crimes intersect. Whether disappearance is caused by state authorities or by trafficking networks, the outcome is often the same: people vanish, families lose contact, and victims are left without protection. The failure of the state to prevent, investigate, or hold perpetrators accountable allows both enforced disappearance and trafficking-related kidnapping to flourish.

## Patterns of Arrest and Disappearance

Field documentation indicates recurring arrest campaigns in neighborhoods with high concentrations of migrants. These operations often target young men aged 18 to 30 and frequently rely on racial profiling based on skin color. Arrests are carried out arbitrarily, with individuals stopped in the street and asked to prove their identity or legal status.

Detention can last for days, during which detainees are denied basic safeguards, including access to lawyers, contact with family members, or information about the reasons for their arrest. Many are held in informal detention facilities or security camps operating outside any transparent legal framework.

UNHCR issues different documents depending on the stage of the asylum process. After initial registration, individuals receive a white certificate confirming they have begun the asylum procedure. They are then issued a yellow asylum seeker card while their claim is under review. Only those formally recognized as refugees receive a blue refugee card.

In reality, most displaced people remain for years with only white or yellow documents. These papers provide limited protection and do not constitute a legal residency status under

Egyptian law. This legal ambiguity significantly weakens their position, leaving them highly vulnerable to arrest, prolonged detention, and deportation—especially when authorities refuse to recognize UNHCR documentation.

Deportation procedures may then be initiated. These processes can last weeks or months, during which detainees are transferred between multiple security facilities across different governorates under harsh conditions and without effective legal oversight. Many are eventually taken to border detention sites, such as in Aswan or the Red Sea region, before being forcibly returned to countries like Sudan.

Throughout this process, families often receive no information about the detainees' whereabouts. As a result, many individuals effectively disappear into a system of opaque detention and forced return, amounting in practice to enforced disappearance.

## **Grassroots Legal Protection in a Hostile Space**

In response to this reality, several grassroots initiatives and human rights organizations working with migrants and refugees in Egypt have developed community-based strategies to reduce the risks of arbitrary detention, disappearance, and deportation. As part of their legal and psychosocial counselling work, women and families frequently report cases of arbitrary detention and missing or disappeared relatives.

Operating with limited resources, these initiatives focus on practical, rapid-response interventions rather than abstract advocacy.

One key area of work has been legal awareness and early intervention. Migrants and refugees are supported in understanding how to act during arrest and how to quickly share information about their location. Even minimal information—such as the place of arrest—can make a critical difference.

These organizations also work to ensure that detainees can contact a lawyer or inform arresting authorities that they are legally represented. In several cases, this basic assertion of legal awareness has reduced the likelihood of prolonged incommunicado detention or immediate deportation. When information reaches legal teams, they move quickly to nearby police stations or security sites, submitting legal inquiries and documentation requests.

In many cases, these interventions have led to shorter detention periods, prevented forced deportation, or enabled families to locate detained relatives. While limited in scale, these outcomes demonstrate that community-based responses can reduce harm and restore a minimum level of legal protection.

One case published in the media, illustrates the impact of rapid legal intervention. A 19-year-old migrant man was randomly arrested while returning from a chemotherapy session, as he was undergoing cancer treatment. His arrest occurred during a random security campaign. Although his family quickly located the police station where he was held, the authorities refused to recognize his UNHCR asylum seeker documentation (yellow card) and treated him as an “irregular migrant,” initiating deportation procedures that put his life at serious risk.

The family contacted a local legal support initiative, and legal action was taken without delay. Through an assigned lawyer, several steps were pursued, including formal legal communications, notification of the Public Prosecutor, and a public statement that triggered human rights and media pressure. As a result, deportation was halted at the last minute. The detainee was able to receive medical care in custody and was released after several days.

This case highlights the critical role of immediate legal support. Field experience from rights organizations suggests that many law enforcement officers lack awareness of the rights of migrants, asylum seekers, and refugees, which often leads to serious violations. In such contexts, access to a lawyer can mean the difference between release and disappearance, between protection and irreversible harm.

Despite these efforts, the scale of the problem remains overwhelming. Arrest campaigns continue, sometimes daily, and intensify during certain security periods. Grassroots interventions, while essential, cannot substitute for structural reform. Preventing enforced disappearance requires clear criminalization, independent oversight, and accountability mechanisms capable of confronting state abuse.

## **Beyond Borders: Shared Responsibility**

Enforced disappearance in Egypt cannot be understood in isolation. It is shaped by regional politics, Egypt's relations with countries such as Sudan, Eritrea, and Somalia, and its cooperation with European migration policies that prioritize border control over human rights. These dynamics create shared responsibility across borders.

Addressing enforced disappearance requires cooperation between local initiatives, international organizations, and migrant communities themselves. Create spaces of protection and understanding by listening to migrant communities, responding to their immediate needs, and supporting them in navigating an increasingly restrictive environment.

Justice and the rule of law cannot exist while people remain outside legal protection, without recognition and without a known fate. Enforced disappearance in Egypt is not an exception—it is a policy. Confronting it requires collective action that extends beyond borders and beyond silence.