

# Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basededonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basededonnees.DatabaseUnit@irb-cisr.gc.ca).

15 May 2014

### **ZZZ104862.E**

Eritrea and Sudan: Situation of the border region between the two countries, including military and police patrols, as well as legal crossing points; information on physical obstacles to prevent crossing, such as fences and mines; number of people legally and irregularly crossing the border (2013-May 2014)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Border Crossing**

Sources indicate that in order to leave the country legally, an Eritrean national needs a passport and an exit visa, which are very difficult to obtain (van Reisen et al. 4 Dec. 2013, 50; UN 28 May 2013, para. 67). A paper published by Mirjam van Reisen, Professor of international relations at Tilburg University, Meron Estefanos, a human rights activist based in Sweden, and Conny Rijken, Professor of international law at Tilburg University, and presented before the European parliament (*Sudan Tribune* 5 Dec. 2013; *International Business Times* 5 Dec. 2013), states that it is "almost impossible for ordinary citizens to leave Eritrea legally" (van Reisen et al. 4 Dec. 2013, 50). A 28 May 2013 report by the UN Special Rapporteur on the situation of human rights in Eritrea indicates that exit visas are not granted to men between 18 and 54 years old and to women between 18 and 47 years old (UN 28 May 2013, para. 67). The US Department of State's *Country Reports on Human Rights Practices for 2013* also indicates that men under the age of 54 and women under the age of 47 are denied exit visas, even if they fulfilled the military portion of the national service (US 27 Feb. 2014, 13). The report indicates that those who have a "better chance" at obtaining the exit visa are people leaving for medical purposes, individuals who have been demobilized and exempted from national service as well as those registered and participating in the citizen militia (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The paper written by van Reisen et al and presented before the European parliament indicates that young people are barred from having a travel document to leave the country due to the obligation to serve in the military "indefinitely" (van Reisen et al. 4 Dec. 2013, 50). Sources indicate that these restrictions force Eritreans to use irregular routes to leave the country (Humphris Mar. 2013, 16; US 19 June 2013, 163; Human Rights Watch Feb. 2014, 16).

In correspondence with the Research Directorate, a professor at the Institute of African Affairs at the German Institute of Global and Area Studies (GIGA) who researches Eritrean militarization and diaspora, indicated that there are checkpoints on the road from Tessenai [Tesseney] to Kassala, from Om Hajer [Omhaajer] into Sudan, and possibly another at Ali-Ghider, though the exact number is not known (Professor 6 May 2014). In correspondence with the Research Directorate, Aaron Berhane, publisher and Editor-in-Chief of the Toronto-based Meftih newspaper who was the former Editor-in-Chief and co-founder of the Eritrean newspaper *Setit*, indicated that there are four legal checkpoints along the Eritrea-Sudan border: Tesseney, Girmaika, Omhajer, and Karura (Berhane 5 May 2014). He further indicated that most units of the army have their own checkpoints (ibid.). Both Berhane and the Professor indicated that the border is patrolled (Professor 6 May 2014; Berhane 5 May 2014) but Berhane said that it is "porous enough" if people decide to walk through it for "two or three weeks" (ibid.). Similarly, the Professor said that the border is becoming increasingly porous due to the "high defection rates" within the army (6 May 2014). Al Jazeera also reports on the growing defections of political and military officials in Eritrea (15 Oct. 2013). Both Berhane and the Professor indicated that there are no fences along the Eritrea-Sudan border (Berhane 9 May 2014; Professor 9 May 2014).

The UN Special Rapporteur report indicates that controls and checkpoints between Eritrean cities are "frequent" (28 May 2013, para. 67). According to the Professor, the Eritrea-Ethiopia border was "heavily mined" during the war between 1998 and 2000 and only a "few" mines have been cleared since then (Professor 9 May 2014). The Professor also indicated that the area around the town of Guluja [Golluj] in the southern part of the Eritrea-Sudan border may be affected by mines given that the borders of Ethiopia, Eritrea, and Sudan meet in that area (*ibid.*).

### 1.1 Irregular Border Crossing

Sources indicate that smugglers play an important role in aiding Eritreans to flee the country to safety (Humphris Mar. 2013, 9; van Reisen et al. 4 Dec. 2013, 55). In a research paper published by the UNHCR on human smuggling from Eritrea to Sudan and Egypt and based on testimonies collected by the UNHCR and NGOs in Israel and Cairo, Rachel Humphris, PhD student at the University of Oxford, indicates that there are smuggling networks of "varying levels of organization and experience and using different levels of coercion and violence" (Humphris Mar. 2013, 16). According to testimony cited in the research paper, "there are brokers everywhere inside Eritrea so there is no problem - you will know someone who knows someone - these networks have been established for a very long time" (*ibid.*, 11). Dan Connell, a senior lecturer at Simmons College and visiting scholar at Boston University who has been writing on Eritrean issues for 40 years, indicated in an article on the website of the US-based think tank Foreign Policy in Focus that "refugee flows run in all directions [and] are facilitated by smugglers with regional and, in some cases, global reach" (10 Apr. 2014).

Members of ethnic tribes, particularly the Rashaida, are involved in human trafficking in Eritrea and Sudan (van Reisen et al. 4 Dec. 2013, 25, 47; Humphris Mar. 2013, 10-11; Human Rights Watch Feb. 2014, 24). Some sources also report that the Rashaida have been involved in abductions and kidnapping in Eritrea and Sudan (*ibid.*; van Reisen et al. 4 Dec. 2013, 25, 47). The Rashaida are a group of nomads that live in Eritrea (Encyclopædia Britannica n.d.; Humphris Mar. 2013, 9) and Sudan (*ibid.*). According to testimonies collected by the UNHCR, the Rashaida have been described as the "axis of movement all the way from Tesseney to Ha[i]laib [or Haila'ib in Egypt]" (*ibid.*, 10). Sources report that the Rashaida have freedom of movement; they are considered to be without borders (UN 13 July 2012, Annex 2.2, para. 4; Berhane 9 May 2014). According to Berhane,

[the Rashaida] are always mobile, capable of crossing the border without difficulties. ... they are borderless. If they are in the land of Eritrea and are asked to fulfil their duty, they said that they are Sudanese. If they happen to be in Sudan and are asked to do anything that could drag their activities, they call themselves Eritrean. They play with the cards always to their advantage. So, they are privileged. (9 May 2013)

The report written by van Reisen et al indicates that members of the Hidarib ethnic group are also involved in human smuggling (4 Dec. 2013, 25, 47). Sources further indicate that security forces and members of the military may also participate in these networks (Müller Sept. 2012, 457-458; Humphris Mar. 2013, 16; VOA 3 Apr. 2013).

#### 1.1.1 Modes of Transportation

Sources indicate that not all Eritreans use smugglers to leave the country (van Reisen et al. 4 Dec. 2013, 55; Humphris Mar. 2013, 9). According to testimonies collected by the UNHCR, Eritreans who live in the lowlands or close to the border walk the distance by foot to Sudanese territory (*ibid.*). There are also reports of people walking the whole distance from other parts of the country such as Keren, Asmara or Ghindae, or using a permit to travel by bus to cities closer to the border such as Tesseney and Golluj and then crossing the border by foot (*ibid.*).

#### 1.1.2 Statistics

Sources estimate that about 3,000 people cross the border from Eritrea into Sudan every month (*ibid.*, 8; US 19 June 2013, 163). The website of the Eritrean People's Democratic Party (EPDP), an Eritrean opposition group that calls for a "nonviolent opposition to the [Eritrean] regime" (PHW 2013, 448-453), indicates that, according to field sources at the Eritrea-Sudan border, during December 2013, 1,122 Eritreans crossed the border and registered in the Shagarab refugee camp in Eastern Sudan (EPDP 12 Jan. 2014). However, sources indicate that the actual number of refugees crossing the border is not known since many of them do not register as refugees (Human Rights Watch Feb. 2014, 17; UN 19 Dec. 2013; van Reisen et al. 4 Dec. 2013, 39). Connell indicates in his article that, according to Kai Lielsen, a UNHCR representative in Sudan, 70 to 80 percent of Eritreans who cross the border into Sudan do not register and do not stay (10 Apr. 2014). Sources indicate that the number of irregular crossings has been declining due to fear of human trafficking (Berhane 5 May 2014; *Sudan Tribune* 2 Feb. 2013).

The UN Special Rapporteur indicates that, in 2012, the total Eritrean population "of concern to the UNHCR" was 305,808 persons including refugees, "people in a refugee-like situation," and asylum seekers (28 May 2013, para. 92). A report produced by Human Rights Watch on the trafficking and torture of Eritreans in Sudan and

Egypt indicates that there were approximately 300,000 Eritrean refugees and asylum seekers in Sudan, Ethiopia, Israel and Europe by early 2013 (Feb. 2014, 16).

Sources indicate that many Eritreans eventually leave the refugee camps in Sudan (Human Rights Watch Feb. 2014, 17; Humphris Mar. 2013, 8). According to Humphris, refugees in Sudan do not have the right of free movement and the majority of Eritreans do not have access to ID cards, travel permits, higher education, and citizenship (ibid.). Humphris states that this is likely why many Eritreans consider their stay in Sudan as a "transit region" (ibid.). Human Rights Watch indicates that refugees have no access to work and "no right" to leave Eastern Sudan and often move on in search of "protection, work, education and other opportunities to restart their lives in safety and dignity" (Feb. 2014, 5). According to van Reisen et al., the refugee camps of Shagarab are "run by Eritrean and Sudanese officials who are protected by their governments. The UNHCR has limited control over security in these camps" (4 Dec. 2013, 50). The EPDP website also indicates that the refugee camps in Sudan are "not well protected from human traffickers" (12 Jan. 2014). In an email sent to Human Rights Watch, a representative of the UNHCR indicated that, as of 30 October 2013, there were 86,087 Eritreans "sheltered" in the refugee camps in Sudan (Human Rights Watch Feb. 2014, 17).

## 1.2 Risks During Irregular Border Crossing

Sources indicate that Eritreans fleeing the country face serious risks (ibid., 16; UN 28 May 2013, para. 42). Some of these risks include:

- kidnapping (*Sudan Tribune* 2 Feb. 2013; UN 28 May 2013, para. 93);
- sexual exploitation (AI 3 Apr. 2013; *Sudan Tribune* 2 Feb. 2013);
- forced marriage, and bonded labour (ibid.).

The US *Trafficking in Persons Report 2013* indicates that minors caught leaving Eritrea are sometimes forced to join the military (US 19 June 2013, 163). Sources also indicate that the border region between Eritrea and Sudan is semi-desert (ibid. 11 Apr. 2014; Berhane 5 May 2014) and drinking water is available in certain areas, most of them occupied by the Eritrean army (ibid.). Information on these areas could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 1.2.1 Kidnapping and Abductions

Human Rights Watch reports that since 2011, smuggling "had changed into widespread kidnapping" of Eritreans at refugee camps and at the border area between Eritrea and Sudan (Feb. 2014, 22). The UN Special Rapporteur indicates that many Eritreans are kidnapped by human traffickers and smugglers who demand high ransoms for their freedom (28 May 2013, para. 93). There are reports of Eritreans being kidnapped on their way to the refugee camps located on the Sudanese side (Humphris Mar. 2013, 12; AI 3 Apr. 2013). Similarly, van Reisen et al. indicate that there are reports of farmworkers, women, and minors being kidnapped within Eritrea, including Teseney, Golij, the Sawa Military Camp, Asmara, and places between the border and the Sudanese town of Kassala, and then transported to Sinai (4 Dec. 2013, 43-45). Also, the UNHCR received reports of Eritreans being kidnapped in Gebmaica and in Sawa on their way to work at nearby farms and are asked to pay US\$4,000 for a "safe exit to their destination," but after paying that amount, they were sold to smugglers who demanded an additional US\$30,000 to take them to Israel (Humphris Mar. 2013, 11). Sources report that ransoms for kidnapping range from US\$7,500 (van Reisen et al. 4 Dec. 2013, 44) up to US\$40,000 (UN 19 December 2013). According to the Professor, some people do not intend to flee Eritrea and are kidnapped and sold to human traffickers (Professor 6 May 2014). The UNHCR in Kassala receives between 30 and 50 cases per month of people claiming that they were kidnapped (Humphris Mar. 2013, 12). Sources also indicate that there are reports that authorities abduct Eritreans at the refugee camps in Sudan and take them back to Eritrea (US 19 June 2013, 163; van Reisen et al. 4 Dec. 2013, 49). Sources report that the Eritrean Border Surveillance Unit (BSU) is involved in these abductions (ibid.; *Sudan Tribune* 5 Dec. 2013). According to the US *Trafficking in Persons Report 2013*, dissidents and high profile refugees within the camps were particular targets (US 19 June 2013, 163).

Amnesty International (AI) reports that victims of kidnapping are subjected to "extreme violence and brutality," including rape and other forms of sexual violence (3 Apr. 2013). Sources report that if a person cannot pay the ransom he or she may be sold to another group in Sudan, taken to Sinai (Humphris Mar. 2013, 12; *Sudan Tribune* 5 Dec. 2013), or killed (ibid.; AI 3 Apr. 2013). CNN reports that refugees from Eritrea who are trafficked into Sinai are tortured, enslaved and raped if they do not pay the ransom (CNN 3 Nov. 2011). Victims of kidnapping may also be subject to the extraction of their organs (ibid.; *Sudan Tribune* 5 Dec. 2013).

### 1.2.2 Shoot-to-kill Policy

Sources indicate that Eritrean border officials have "standing orders" to shoot-to-kill those attempting to cross the borders irregularly (UN 28 May 2013, para. 43; Professor 6 May 2014; Berhane 5 May 2014). According to van Reisen et al., this policy is applied more at the border with Ethiopia given that those caught fleeing to Ethiopia are punished with death since Eritrea is at war with that country, which explains the larger number of Eritreans fleeing to Sudan rather than Ethiopia (van Reisen et al. 4 Dec. 2013, 39). Sources indicate that those

fleeing to Sudan are punished by imprisonment for between three (ibid.) and five years (Human Rights Watch 8 May 2014). They may be also subjected to torture (ibid.). However, according to the UN Special Rapporteur, an "unknown number of people" have been shot near the Eritrean borders with Djibouti, Ethiopia and Sudan, allegedly for attempting to cross the border illegally (UN 28 May 2013, para. 43). According to Berhane, Eritreans caught at the border with Sudan are "at the mercy" of Eritrean border officials who decide whether to kill the person or "make a deal to profit" from him or her (5 May 2014). The Professor also indicated that the shoot-to-kill policy is "less often applied than some years ago" as the military has become increasingly involved in human trafficking to the point of preferring to capture a refugee instead of shooting at him or her (6 May 2014).

### 1.2.3 Deportation

Eritreans also face deportation back to Eritrea (US 19 June 2013, 163; Human Rights Watch Feb. 2014, 18). Human Rights Watch reports that, in October 2011, Sudan deported 300 Eritreans back to their country "unlawfully" (ibid. 8 May 2014). It also reports that, in 2012, Sudan deported 68 Eritreans back to Eritrea, including registered asylum seekers, and between January and May 2013, "at least eight" Eritreans were deported from Sudan (ibid. Feb. 2014, 18). Human Rights Watch further reports that on 1 May 2014, Sudanese authorities transferred 30 Eritreans who had been arrested near the Sudan-Libya border to Eritrean security forces (ibid. 8 May 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2. Border Patrols

Sources indicate that members of security forces participate in the trafficking of people between Eritrea and Sudan (Müller Sept. 2012, 457-458; Humphris Mar. 2013, 16). There are reports of Eritreans who are caught at the border by Sudanese police officers and handed over to traffickers (Human Rights Watch Feb. 2014, 25; van Reisen et al. 4 Dec. 2013, 45). There are also reports of Sudanese intelligence and security officials who take bribes, "look the other way," and are "actively engaged in part of the smuggling or trafficking operation" (ibid., 49-50). According to testimonies collected by the UNHCR, "many border guards, police, security [officers], and those at check points on the route may be benefiting considerably from the movement of Eritreans through the country [to Sudan]" (Humphris Mar. 2013, 16). The Professor indicated that "[r]eportedly, Eritrean military officers have started to extort ransoms from relatives under the threat of selling the captured refugees to human traffickers" (6 May 2014). According to van Reisen et al., the BSU participates in the kidnapping of minors within Eritrea and subsequently hands them over to traffickers who transport them to Sudan (4 Dec. 2013, 44).

A report produced by the UN Security Council's Monitoring Group on Somalia and Eritrea indicates that Kassate Ta'ame Akolom, a former intelligence officer with the Eritrean military, also known as Angosom Ta'ame, is the leader of a smuggling and kidnapping ring that operates in Eritrea, northern Ethiopia, and Eastern Sudan, and is responsible for smuggling "hundreds of refugees" into Ethiopia and Sudan, as well as "escapees from Eritrea, to Egypt and Israel" (UN 25 July 2013, para. 139-140). The report also indicates that Ta'ame Akolom was arrested in January 2012 by the Ethiopian police and confessed he was working with General Teklai Kifle, also known as "Manjus," a "key coordinator of the human smuggling trade out of Eritrea" (ibid., para. 141). General Kifle is identified by sources as the commander of the Border Surveillance Unit (van Reisen et al. 4 Dec. 2013, 48) or the commander of the "Western sector" of the Eritrean military (UN 13 July 2012, 16, para. 59). Corroboration for the information provided by the UN Security Council's Monitoring Group on Somalia and Eritrea could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to van Reisen et al., Eritrean migrants are hidden in BSU pickup trucks so they can avoid checkpoints and cross the border unnoticed (van Reisen et al. 4 Dec. 2013, 48). The report also indicates that military conscripts also participate in the smuggling process for financial gain or because they are ordered to do so by their superiors (ibid., 50). According to testimony cited in another report by the UN Security Council's Monitoring Group on Somalia and Eritrea, General Kifle profits from the smuggling of weapons and people and soldiers "do not get anything ... they just do what they are told" (UN 13 July 2012, para. 79,80). The UN Monitoring Group obtained copies of money transfers documenting extortion payments made by families of Eritrean victims of kidnapping and the recipient of one of them was a "self-confessed agent for the Eritrean government" (ibid. 25 July 2013, para. 137).

## 3. Laws in Eritrea and Sudan

The Eritrean Transitional Penal Code [which is Ethiopia's 1957 Penal Code (UN n.d.)] indicates the following:  
Art. 605. - Traffic in Women, Infants, and Young Persons.

Whosoever, for gain, or to gratify the passions of another:

- a. traffics in women or infants and young persons, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or

- b. keeps such a person in a disorderly house or to let her out to prostitution, is punishable with rigorous imprisonment not exceeding five years and a fine not exceeding ten thousand dollars, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

Art. 606. - Aggravation to the Offence.

In cases of professional procuring or traffic in persons, rigorous imprisonment shall be from three to ten years, and the fine shall not exceed twenty thousand dollars:

- a. where the victim is under fifteen years of age; or
- b. where the victim is the wife or a descendant of the offender, his adopted child or the child of his spouse, his brother or his sister, or his ward, of where the victim has been entrusted, on any grounds whatsoever, to his custody or care; or
- c. where the offender has taken unfair advantage of the physical or Mental distress of his victim, or of his position as protector, employer, teacher, landlord or creditor, or of any other like situation; or
- d. where the offender has made use of trickery, fraud, violence, intimidation or coercion, or where he has misused his authority over the victim; or
- e. where the victim is intended for a professional procurer, or has been taken abroad or where the victim's whereabouts or place of abode call not be established; or
- f. where the victim has been driven to suicide by shame, distress or despair.

Art. 607.- Organisation of Traffic in Persons.

whosoever makes arrangements or provisions of any kind for the traffic in women or infants and young persons, is punishable with simple imprisonment or, according to the circumstances of the case, especially where a professional procurer is involved or where the arrangements are fully made and intended to apply to many victims, with rigorous imprisonment not exceeding three years, and a fine which shall be for not less than five hundred dollars in grave cases. (Eritrea 1957)

According to van Reisen et al., Article 605 "is rarely, if ever, used" (4 Dec. 2013, 59).

As of 12 May 2014, Eritrea is not a signatory member of the *UN Convention Against Transnational Organized Crime* (UN 15 Nov. 2000a) and its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (ibid. 15 Nov. 2000b), or the *UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (ibid. 10 Dec. 1984). According to the *US Trafficking in Persons Reports for 2013*, the Eritrean government is not making "significant" efforts to eliminate trafficking in persons as authorities "largely lacked understanding of human trafficking, conflating it with all forms of transnational migration from Eritrea" (US 19 June 2013, 163).

Sudan ratified the *UN Convention Against Transnational Organized Crime* on 10 December 2004 (UN 15 Nov. 2000a) but has not adopted its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (ibid. 15 Nov. 2000b). According to Humphris, the Sudanese government does not consider the trafficking in persons as such (Mar. 2013, 16). Human Rights Watch reports that as of February 2014, "only" 14 cases involving the trafficking of Eritreans in and out of Eastern Sudan have been prosecuted by Sudanese authorities (Feb. 2014, 50).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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## Additional Sources Consulted

**Oral sources:** Attempts to contact a senior researcher at the University of Oslo were unsuccessful within the time constraints of this Response.

Representatives from the Eritrean-Canadian Human Rights Group could not provide information within the time constraints of this Response.

**Internet sites, including:** *Africa Review*; All Africa; Asmarino; Bloomberg; British Broadcasting Corporation; *Christian Science Monitor*; Droit.Afrique.com; ecoi.net; Eritrea – Embassy in Washington; Factiva; Freedom House; *The Globe and Mail*; *The Guardian*; Institute for War and Peace Reporting; International Committee of the Red Cross; International Federation of Red Cross and Red Crescent Societies; Interpol; *Jeune Afrique*; Lexadin; Mada Masr; Middle East Online; Reporters sans frontières; *Telegraph*; United Nations – High Commissioner for Refugees; United States – Department of Defense, Department of Justice, Department of Treasury; *USA Today*.

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Date modified: 2014-06-11 [Top of Page](#)

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