

A Position Paper from the Egyptian Commission for Rights and Freedoms (ECRF)

on the Arbitrary Detention of Dozens of Refugees in the
Salloum Police Station and the Security Directorate of
Marsa Matrouh for Long Periods in Bad Conditions

The Incident:

ECRF has directly monitored the detention of dozens of asylum seekers and unofficial immigrants by Egyptian authorities while attempting to migrate from Egypt unofficially to Libya via the Egyptian-Libyan border.

The nationalities of detainees are as follows: (> 85 Sudanese, 4 with Yemeni nationality, 2 Syrians, 3 Eritrean nationals, 3 Bangladeshis, one mother and her daughter from the Republic of Sierra Leone), all were arrested at various times while attempting to sneak unofficially across the Egyptian border into Libya.

All those arrested were detained from the time of their arrest at the Salloum police station and then transferred to the Marsa Matrouh Security Directorate on Sept. 21st 2018 and they were threatened to be deported within days.

Detention Procedures:

They were arrested by Egyptian border guards, during their attempts to sneak across Egypt's western border into Libya. Some of the detainees mentioned in their testimonies that they were ill-treated by the forces who arrested them by beating and insulting.

Investigations and Trials:

They were brought before the military prosecution, and then appeared before the military court on charges of infiltration and presence in a border area without a permit.

During the period of investigation and trial they were not allowed to communicate with their relatives and without the presence of their lawyers.

As for the cases, all detainees have been tried by military courts for infiltration from January 2017 to August 2018, most of which were closed and court decisions were handed down to six months' imprisonment on suspension.

Current Situation:

The Ministry of the Interior refuses to implement the decision to release them and holds them without any legal basis in the process of inspecting their files and waiting for the decision by the National Security Service, that even some of the detainees have been illegally held for two years.

Conditions of Detention:

The conditions of detention are very bad, since all detainees sleep on the ground in 7 narrow cells, banned from communicating with the outside world. The food served to them is three bread loaves and two pieces of cheese per day per person and bottles of water are filled to drink from the bathroom. There are no personal hygiene tools, causing the spread of insects inside the cells leading many detainees to be infected with serious skin diseases. As for the health situation, the medical examination has not been performed since their arrest until now, and no medication is allowed to them.

Forced Immigration:

Under the poor conditions in which they are detained, the authorities pressure them to force them to be deported to their countries and buy tickets at their expenses or the expenses of their families.

Location of Detention:

The management of the Salloum Police Station, where dozens of asylum seekers and unofficial immigrants are detained is not familiar with any of the rights of asylum-seekers or unofficial immigrants.

The daily treatment of detainees is violent and the Egyptian prison regulations are not enforced. The prison staff does not include an interpreter to translate the needs of African nationals who can speak only in their own languages.

Yemeni nationals held as asylum seekers registered with the UNHCR:

Names:

- Osama Moussa Abdullah Al-Sabahi 26 years, UNHCR file number 555-18C02988
- Ahmed Othman Mohamed Othman Al-Obeidi 30, UNHCR file no. 555-18C03053
- Ahmed Nasser Ali Al-Humaidi 29, UNHCR file no. 555-AP00271149
- Anwar Saeed Mohammed Al-Sharmani 23, UNHCR file no 555-AP00268401

All were arrested at the end of June 2018 on the border between Egypt and the Libya.

The forces that carried out the arrest: the border guards of the Egyptian armed forces

Violations during detention: According to available information, they were beaten by the force that arrested them and they were prevented from communicating with anyone or informing their families.

Legal action taken against them:

They were brought before the military prosecution and the case was heard before the Military Court in case of case 162 of 2018 on charges of infiltration across the Egyptian-Libyan border.

Legal Violations during Investigation and Trial:

They were interrogated and tried without a legal defense representative present, and have been tried by exceptional procedures and exceptional (military) courts.

Court Decision:

Imprisonment of 1-6 months "suspended".

Current Situation:

The Ministry of the Interior refused to release them, and they are still being detained without any legal basis on national security basis. They were detained since their arrest until Sept. 21st 2018 at the Salloum police station then were transferred to the national security directorate of Marsa Matrouh at the same day, without any care, blankets or adequate food or medical check-ups, with the continued deliberate efforts to force them to request deportation back to their home countries. One Yemeni detainee suffers from shortness of breath and asthma and is not allowed access to treatment.

Role of UNHCR's Office in Egypt:

Despite the existence of a group of Yemenis with Yemeni nationality who hold asylum cards and have files registered with the UNHCR, the presence of others with asylum supporting nationalities, and the actual real risk of being deported or forced to be deported, which by definition calls for UNHCR intervention, still UNHCR did not provide any significant support to the detainees, that even the families of some of them filed complaints and requests for intervention to the UNHCR office in Egypt but none were responded to.

A Syrian detainee who has been held for more than 20 months arbitrarily deprived of treatment:

Name:

Mohammed Suleiman Mohammed Abu Houran, 50, Syrian, was arrested during an attempt to cross Egypt's western border into Libya in January 2017

Forces that carried out the arrest: Egyptian border guards

Violations during the arrest: According to his testimony, he was assaulted while being beaten.

Investigation and Trial: He was presented to the Military Prosecution and transferred to the military court on charges of cross-border infiltration and presence in a border area without a permit from the competent authorities in case 75 of 2017 Salloum Military Crimes

Legal Violations during Investigation and Trial:

- He was interrogated and tried without the presence of a counsel for his defense.
- He was interrogated and tried by exceptional procedures before an exceptional court.

Sentence: One year suspended.

Current Situation: The Ministry of Interior refused to release him and he has been detained since January 2017 until now. He was transferred on Sept. 21st 2018 to Marsa Matrouh Security Directorate without any legal basis pending the response of the national security to his request.

Health status:

He is infected with the hepatitis C virus and has not received any medication or medical care so far that his health status worsens without any follow-up or intervention.

Among the detainees are a woman and her daughter from the Republic of Sierra Leone:

Name: Mimouna Tou Cammara, and her baby girl, 18 months.

Conditions & Date of Arrest: She was arrested in March 2018 while attempting to infiltrate across the Egyptian-Western border into Libya.

Investigation and Trial: Presented to Military Prosecution, with Military offenses in case 125 of 2018 were then referred to military trials on charges of cross-border infiltration and presence in a border area without a permit.

Legal Violations during the Investigation and Trial:

- They were investigated and tried without their right to a counsel at their defense.
- The trial and the proceedings were all exceptional (military).

Sentence: 6 months suspended.

Current Situation:

Both her and her baby girl are still arbitrarily detained without a legal basis pending the return of national security report.

They were transferred to Marsa Matrouh Security Directorate on Sept. 21st 2018, and since then, there is no information about them.

Conditions of Detention:

They stay in a narrow solitary cell both her and her child.

The food offered is several bread loaves and a few pieces of cheese.

Drinking water is bottles filled with water from the bathroom.

No visitations allowed

They have not been allowed out of the cell to the sun for six months now.

No diapers are offered.

It is also not allowed to have a medical examination or to introduce the necessary medication to them.

Since being transferred to the Marsa Matrouh Security Directorate on Sept. 21st 2018, they are being held in a small room under the rear stair of the Directorate.

Health status:

Very poor for both the mother and the child due to malnutrition, lack of health care or medical checkups.

What is happening with asylum-seekers and unofficial immigrants, in Salloum Police Station and Marsa Matrouh Security Directorate, is contrary to the Constitution and the Egyptian laws and a breach of the Egypt's international obligations:

The Egyptian Constitution provides for the right to asylum in Article 19:

"The state may grant asylum to every persecuted foreigner"

Article 54 also provides for the importance of personal freedom, protection against unjustified detention, the right to a lawyer, protection from arbitrary detention, and the invalidity of detention procedures if the subject was not presented to the competent judicial authorities and a decision of imprisonment was issued in such environment.

Despite the absence of an internal law related to the status and rights of refugees, however, the Law on Combating Illegal Immigration and Migrant Smuggling of 2016 in Article (2) thereof stresses on "Not to hold criminal responsibility on the smuggled immigrant and not to accept his or her taking the responsibility."

Regionally and internationally:

Article 93 of the Egyptian Constitution provides that:

"The State is committed to the international conventions, covenants and treaties on human rights ratified by Egypt, and they become the force of law after publication in accordance with the prescribed conditions."

Egypt has signed and ratified several international conventions relating to the rights of refugees and the prevention of arbitrary detention, including:

The Universal Declaration of Human Rights stated in article 9 that:

"No one shall be subjected to arbitrary detention, detention or exile"

Refugees and asylum-seekers constitute a special category of persons protected by international law, whose rights were specifically mentioned in the Universal Declaration of Human Rights in article 14, giving everyone the right to seek and enjoy asylum as a fundamental human right.

The 1951 United Nations Convention on Refugees also defined refugees and asylum seekers in detail.¹

In addition, both international treaty law and customary law grant refugees the protection against forcible return to States where their lives or freedoms may be at risk.

¹ The 1951 United Nations Convention Related to the Status of Refugees, signed by the President of the Arab Republic of Egypt on the approval of the United Nations Convention related to the Status of Refugees, signed in Geneva on July 28th 1951, 48, the decision of the Minister of Foreign Affairs to publish this agreement in the Official Gazette on the same date

Also the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment protects every person without exception from returning to a country where he may be subjected to torture when there are substantial grounds for believing that he may be subject to torture.

The United Nations Convention on the Status of Refugees, 1951, in article 31 prohibited the contracting States from imposing penal sanctions on refugees who are illegally present in the country of refuge.

And in article 32, the Convention prohibited the expulsion of refugees and asylum-seekers, except in accordance with an action taken in accordance with the procedural rules established by law, while the refugee must be allowed to show evidence of his innocence, and to exercise the right of appeal.

Contracting States must also give the refugee time to be accepted in another country, Article 33 of the same Convention states in its first paragraph:

“No Contracting State shall expel or return a refugee in any way to the territory where his or her life or freedom is threatened by reason of race, religion, nationality, membership of any particular social group or political opinion.”

A number of regional conventions also prohibit the arbitrary detention of refugees, asylum seekers and forcible return to the country of origin either explicitly or implicitly, Such as:

- The European Convention on Human Rights and Fundamental Freedoms (art. 3)
- The American Convention on Human Rights (art. 22)
- And the OAU Convention on Refugees (Article 2)²
- And the Cairo Declaration on the Protection of Refugees and Internally Displaced Persons in the Arab World (Article 2)

The Executive Committee of UNHCR also made exceptions to the principle of non-detention in its Conclusion No. 44, in specific cases of refugees and asylum-seekers. These exceptions do not exist in the current situation of detainees in the Salloum Police Department and the Marsa Matrouh Security Directorate.

Also, the Set of Principles for the Protection of All Persons Who are subjected to any form of detention or imprisonment, stated the criteria for detention applicable to any person who is subjected to any form of detention or imprisonment within any State and at any time. These principles where it states that

"No arrest, detention or imprisonment shall be carried out except in strict compliance with the provisions of the law and by competent officials and persons authorized to do so" in Principles 2, 4.

Despite the signing of a memorandum of understanding between the Egyptian government and the Office of UNHCR on Feb. 10th 1954, which was issued by Law No. 172 of 1954, on the organization and registration of asylum-seekers, identification cards, the provision of various

² Minister of Interior Decree No. 332 of 1980 on the approval of the 1969 Organization of African Unity Convention, which entered into force on June 20th, 1974, which governs the various aspects related to the problems of refugees in Africa ", on May 20th 1982, With the same date

services to them and the examination of their status, however, the role of UNHCR does not help in cases of detention due to irregular entry or exit or in cases of detention, and the UNHCR delegate is not allowed to register or legalize detainees.

The position of ECRF:

ECRF condemns the detention by the Ministry of the Interior, to dozens of asylum seekers and unofficial immigrants arbitrarily and without any legal basis and for periods of up to 20 months, in very poor conditions of detention at the Salloum police station, including a woman and her baby, in the absence of basic rights to provide health care, food and special care for children and women, as well as preventing them from communicating with the outside world, in violation of the Constitution and the Egyptian law and international treaties and conventions signed and ratified by Egypt.

ECRF demands

The immediate release of detainees

Allowing the representative of UNHCR's Office to register them, and legalize their situation in Egypt

Providing them with an appropriate protective environment

ECRF also warns of the consequences of the Egyptian authorities' continuing policy of restricting asylum seekers and violating Egypt's international obligations towards them.

Recommendations:

Recommendations to the Public Prosecution:

ECRF appeals to the Public Prosecution;

- To head to the aforementioned detention facilities at the Salloum Police Department and the Marsa Matrouh Security Directorate
- To monitor the situation of detainees, the conditions of their detention and their legal positions and the reason for their detention throughout this period without legal basis
- To assert the provision of full care for them,

In accordance with its legal competence.

Recommendations to the Ministry of the Interior:

- Immediate release of refugees and asylum seekers who have been arbitrarily detained without any legal reason at Salloum Police Department and Marsa Matrouh Security Directorate
- Allow the UNHCR representative to communicate with them and register them to start legalizing whoever wishes to do so.
- Till the completion of the proceedings, the Ministry of the Interior must use alternatives to pre-trial detention and provide adequate medical and nutritional care to those arrested.
- Provide training for its staff, who often deals with refugees or unofficial immigrants about the rights of refugees and asylum seekers and Egypt's obligations towards them.

Recommendations to the National Council for Human Rights:

ECRF calls for the National Council for Human Rights

- To visit the detention center for immigrants and asylum seekers at the Salloum police station and the Marsa Matrouh Security Directorate
- Follow up their situations

- Communicate with the concerned parties to end the human suffering that has been going on for months.

Recommendations to UNCHR in Egypt:

UNHCR must immediately intervene to monitor the conditions of detainees and provide medical and nutritional care and legal support to legalize their situation.

Attachments:

- Copies of the records of the Salloum police station with some names and nationalities of detainees.
- Photos from the detention center at Salloum Police Department and Marsa Matrouh Security Directorate.
- Photographs of the asylum-seeking cards of some Yemeni nationals.



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 قسم السجل
 one month

Handwritten: *مجنون من السجون*



UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

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UNHCR Appointment Slip - قسيمة مقابلة مع المفوضية

Issued on: 10 July 2018

File Number: 

Nationality: YEM

Full Name: Ahmed Nasser Ali Al-Hamidi

Contact: 01117952476

Kindly find below information regarding your appointment with the Office of the United Nations High Commissioner for Refugees in Cairo.

Appointment ID: 555-AP00271149

Type: New Registration



1 Case Size

الاسم:

تفضل بالاطلاع في ما يلي على معلومات حول مقابلة مع مفوضية المفوضية بالقاهرة

Appointment ID	Type	Appointment Time	التاريخ	نوع المقابلة
555-AP00271149	New Registration	13 August 2018 08:30	13 أغسطس 2018	سجل

You must come to the Office on the date indicated above with all your family members.

If you are registering for the first time, please bring with you 2 color pictures, the original identity documents of all family members present and the Registration application form duly completed.

Should you have any questions or need to modify the date of your appointment, please contact our call center: 02 2728 5699.

If you face any urgent protection problems, such as arrest or detention, you should contact our emergency hotline at: 01227333367.

Note: This is not an identity document. The holder of this appointment slip is however a person of concern to UNHCR and should be protected against forcible return to their country of origin or to other country where they would face persecution.

Questions regarding the information contained in this document should be directed to the UNHCR at the address above.

All services provided by UNHCR and our partners are free of charge. If someone request or offer money for services provided by UNHCR, you must immediately inform our Office by contacting our call center or writing to the following address: ARECAFRD@unhcr.org

يجب عليك الحضور إلى المكتب في الموعد المحدد أعلاه ومعك جميع أفراد أسرتك. تأكدت تسجيل للمرة الأولى، رجاء إحضار معك عدد 2 صورة شخصية ملونة ووثائق الهوية الأصلية لجميع أفراد الأسرة المتقدمين، بالإضافة إلى استمارة طلب التسجيل بعد ملئها إذا كان لديك أي استفسار أو ترغب في تعديل موعد المقابلة، يرجى الاتصال بمركز الاتصالات المفوضية: 0227285699

وإذا لم يحدث لمناقشة بشأن تعديلك لتسوية، اتصل بالمعامل، كان بغض عليك أو اعتقال، يرجى الاتصال بالمكتب للمناقشة الطوارئ: 01227333367

تنبه: هذه القسيمة ليست وثيقة هوية، ولكن حاملها بعد شخصاً يدخل في نطاق اهتمام المفوضية الداعية للأمم المتحدة لشؤون اللاجئين، وتلحق بحماية من الإعادة القسرية إلى بلاد الأصل أو إلى بلد آخر قد يتعرض فيه للاضطهاد.

يرجى توجيه أي استفسارات بشأن المعلومات الواردة في هذه الوثيقة إلى مكتب المفوضية في العنوان المذكور أعلاه.

جميع الخدمات المقدمة من مكتب المفوضية مجانية. إذا طلب شخص ما أموالاً أو عرض أموالاً بشأن الخدمات التي نقدمها المفوضية، يجب أن تخبر مكتبنا فوراً عن طريق التواصل مع مركز الاتصالات بريد الإلكتروني: ARECAFRD@unhcr.org

مديرية امن مطروح
قسم شرطة السلوم

يومية حجز الأجانب بالقسم

م	اسم المتهم	رقم القضية	الجنسية	امن وطنى	جوازات	سفارة
١	محمد سليمان محمد ابو حوران	٧٥ لسنة ٢٠١٧ ج٠ع	سوري			
٢	التجاشي بابكر ادم دين	١٠٢ لسنة ٢٠١٨ ج٠ع	سوداني			
٣	كاي دورجاس جاتكوس	١٠٥ لسنة ٢٠١٨ ج٠ع	السودان			
٤	ميمونا تو كمارا	١٢٥ لسنة ٢٠١٨ ج٠ع	سيراليون			
٥	البيينو ادم ماجيك اكون	١٣١ لسنة ٢٠١٨ ج٠ع	سوداني			
٦	منتصر عبدالرحمن عبدالله	١٤٥ لسنة ٢٠١٨ ج٠ع	سوداني			
٧	انسر خميس الزاكي اسماعيل	١٦٠ لسنة ٢٠١٨ ج٠ع	سوداني			
٨	انور سعيد محمد الشرماني	١٦٢ لسنة ٢٠١٨ ج٠ع	يمني			
٩	احمد ناصر على الحميدى	١٦٢ لسنة ٢٠١٨ ج٠ع	يمني			
١٠	محمد على حماد احمد عبدالله	١٦٢ لسنة ٢٠١٨ ج٠ع	سوداني			
١١	التقي محمد عيسى محمد	١٦٥ لسنة ٢٠١٨ ج٠ع	سوداني			
١٢	الشيخ التجاني صالح محمد	١٧٣ لسنة ٢٠١٨ ج٠ع	سوداني			
١٣	انور موسى محمد ادم	١٧٦ لسنة ٢٠١٨ ج٠ع	سوداني			
١٤	اسماعيل عبدالله التهامي على	١٧٦ لسنة ٢٠١٨ ج٠ع	سوداني			
١٥	شمس الدين بله محمد احمد	١٨٢ لسنة ٢٠١٨ ج٠ع	سوداني			
١٦	اسماعيل فضل النبي ابراهيم	١٨٢ لسنة ٢٠١٨ ج٠ع	سوداني			
١٧	حسن حسين مالك ادريس	١٨٢ لسنة ٢٠١٨ ج٠ع	سوداني			
١٨	ايمان ويل كوانج كوديت	١٨٤ لسنة ٢٠١٨ ج٠ع	سوداني			

١٩	فؤاد محمد عثمان موسى	١٩٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٠	موسى ادم النور احمد	١٩٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٢١	عمر سليمان إبراهيم اسماعيل	١٩٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٢	سر الختم محمد الأمين بر يمه	١٩٦ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٣	محمد حسين على الجاك	١٩٦ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٤	مصطفى حوي النبي عثمان	١٩٦ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٥	رامي شيخ الدين حسن محمد	١٩٧ لسنة ٢٠١٨ ج٠ ع	سودانى
٢٦	إبراهيم محمد ابواتفر علي	١٩٧ لسنة ٢٠١٨ ج٠ ع	بنجلاديشي
٢٧	احاميد محمد شاون	١٩٧ لسنة ٢٠١٨ ج٠ ع	بنجلاديشي
٢٨	خوسان مدرقيب	١٩٧ لسنة ٢٠١٨ ج٠ ع	بنجلاديشي
٢٩	بحر الدين ادريس احمد النور	٢٠٢ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٠	مجاهد عبد الرحمن حسن سليمان	٢٠٢ لسنة ٢٠١٨ ج٠ ع	سودانى
٣١	نورالدين حسن احمد	٢٠٢ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٢	احمد محمد عبدالرحمن محمد	٢٠٢ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٣	بابكر إسحاق محمود محمد	٢٠٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٤	ياسين محمد ادم بخيت	٢٠٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٥	عمر ادم إسحاق محمد	٢٠٤ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٦	ادم محمد إسحاق ادريس	٢٠٥ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٧	قاسم الأمين امين منه	٢٠٥ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٨	عباس الحج عبدالله صافون	٢٠٥ لسنة ٢٠١٨ ج٠ ع	سودانى
٣٩	محمد خليفه الرحمه منصور	٢٠٥ لسنة ٢٠١٨ ج٠ ع	سودانى
٤٠	إبراهيم عبدالرحمن عبدالله عبدالله	٢٠٧ لسنة ٢٠١٨ ج٠ ع	سودانى
٤١	عبدالله يحيى عبدالله داود	٢٠٧ لسنة ٢٠١٨ ج٠ ع	سودانى



سودانى	٢٠٧ لسنة ٢٠١٨ ج.ع	ياسين يعقوب ادم	٤٢
سودانى	٢٠٧ لسنة ٢٠١٨ ج.ع	عمر صالح محمد حامد	٤٣
سودانى	١٤٦ لسنة ٢٠١٨ ج.ع	حمدان خوجى حمدان حمدان	٤٤
سودانى	٢١٣ لسنة ٢٠١٨ ج.ع	حامد محمد زكريا النور	٤٥
سودانى	٢١٣ لسنة ٢٠١٨ ج.ع	ابراهيم مرسيل حمزه مرسيل	٤٦
سودانى	٢١٣ لسنة ٢٠١٨ ج.ع	عبدالهاده بشار محى بشار	٤٧
سودانى	٢١٣ لسنة ٢٠١٨ ج.ع	اسماعيل محمد ادم عبدالكريم	٤٨
ازترى	٢١٨ لسنة ٢٠١٨ ج.ع	رمضان محمد شريف	٤٩
ازترى	٢١٨ لسنة ٢٠١٨ ج.ع	احمد محمد ادريس	٥٠
ازترى	٢١٨ لسنة ٢٠١٨ ج.ع	سمير محمد امام	٥١
سودانى	٢٢٤ لسنة ٢٠١٨ ج.ع	رائى مصطفى بوسى	٥٢
سودانى	٢٢٥ لسنة ٢٠١٨ ج.ع	عمر ذكريه اسماعيل	٥٣
سودانى	٢٢٥ لسنة ٢٠١٨ ج.ع	عمر بكر عمر	٥٤
سودانى	٢٢٥ لسنة ٢٠١٨ ج.ع	يوسف حسب رسول	٥٥
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