



Home Office

Country Information and Guidance

Sudan: Treatment of persons involved in 'sur place' activity in the UK

Version 1.0
August 2015

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Date Updated: 28 August 2015

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm by the Sudanese authorities because of a person's 'sur place' political activities in the UK.

1.2 Summary of Issues to Consider

- 1.2.1 Is the person's account a credible one?
- 1.2.2 Are persons who have undertaken sur place political activities in the UK at risk of persecution or serious harm on return to Sudan?
- 1.2.3 Are those at risk able to seek effective protection?
- 1.2.4 Are those at risk able to internally relocate?
- 1.2.5 Does the person fall to be excluded from a grant of protection?
- 1.2.6 If refused, is the claim one which is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

1.3 Other Points to Note

- 1.3.1 For general guidance on handling asylum claims based on 'sur place' activity, see section 6.7 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 For further information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous UK visa or other application for leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing: see [Asylum Instruction on Language Analysis](#)

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- 2.2 Are persons who have undertaken sur place political activities in the UK at risk of persecution or serious harm on return to Sudan?
- 2.2.1 The Sudanese authorities remain intolerant of opposition both within and outside of Sudan. The government continues to harass, detain and mistreat political opponents (or those perceived to be) in Sudan including members of armed opposition groups, political parties, civil society activists, students and journalists. (See country information, [Treatment of Sudanese political opponents](#)).
- 2.2.2 In the UK there is a growing Sudanese diaspora community with numerous politically active groups operating across the country including London, Birmingham, Manchester and Liverpool. These include branches of Sudanese national political parties and groups linked to armed opposition groups, including the Justice and Equality Movement (JEM), activist groups and refugee organisations, often formed by Sudanese asylum seekers, which are critical of the Sudanese government. (See country information, [Diaspora groups and 'sur place' activity](#)).
- 2.2.3 Although there is limited reliable information on the nature or scope of the surveillance conducted by the Sudanese government in the UK, when considering the size and number of Sudanese opposition groups active in the UK, notably the presence of JEM, and the capacity and expanding remit of NISS (for example under 2015 constitutional amendments or 2014 Refugee Act (see Country Information, [NISS](#))), together with information that some surveillance is likely to be undertaken overseas, it is likely the Sudanese security services are active within the diaspora community in the UK. This activity may include using informants or spying on activist groups and at meetings, as well as the use of video and photographic surveillance and monitoring of online forums and social media, both in the UK and after return. However, it is not likely to include sophisticated or extensive electronic infiltration or tapping of telephone calls.
- 2.2.4 In the case law of [UK - HGMO \(Sudan\) CG \[2006\] UKAIT 0006](#), the Upper Tribunal of the Asylum and Immigration Tribunal found that:
- 'Not all sur place activities conducted by a Sudanese citizen, whilst in the United Kingdom, will give rise to a real risk on return. Whilst the fact that a person has engaged in such activities may become known as a result of questioning, if not through the work of Sudanese intelligence agents, the authorities are reasonably likely to be concerned only about activities which they regard as significantly harmful to their interests and will not be concerned about a person who is in reality an apolitical opportunist. Nor will mere knowledge on the part of the Sudanese authorities about at least some details of a Sudanese asylum-seeker's claim (e.g. following publicity about a high-profile case) suffice...' (paragraph 309, sub-paragraph (8)(iv))
- 2.2.5 The Tribunal also found that neither involuntary returnees nor failed asylum seekers are as such at real risk on return to Khartoum (paragraph 309, subparagraphs 1 and 2). See the country information and guidance on: [Sudan: Treatment on Return](#).
- 2.2.6 In addition, the country guidance case [AY \[Political parties, SCP, risk\] Sudan CG \[2008\] UKAIT 00050 \(16 May 2008\)](#), which was in relation to

membership of political parties in Sudan itself, rather than sur place activities, but has some relevance in terms of Sudanese views on opposition, found:

“2. The Sudanese authorities do not attempt or even seek to take action which could amount to persecution against all political opponents. Depending on the particular circumstances of an individual, they may resort to stronger measures, particularly against those actively engaged in building up grass roots democracy, working in support of human rights and involved in open criticism of the regime’s core ideology and philosophy.

3. In general it will be difficult for ordinary members and supporters of the SCP or any other political party to establish a claim for asylum. They will need to show that they have been or would be engaged in specific activities likely to bring them to the adverse attention of the authorities such as active and effective local democratic activity or support for particular human rights activities. Whether any individual political activist is at risk will necessarily depend upon his individual circumstances set within the context of the situation as at the date of decision. This will include an assessment of the nature of the activities carried out and how they will be seen by the authorities. ”

- 2.2.7 Since the findings of the Upper Tribunal in HMGO and AY, the country situation has changed. However the principles set out in those cases – that it remains likely the Sudanese authorities will be concerned only about activities which they regard as significantly harmful to their interests, that not all political sur place activities will be of interest to the Sudanese authorities but that each case will need to be considered on its specific facts and they will not be concerned about a person who has merely claimed asylum in the UK – remains broadly applicable.
- 2.2.8 However, given the increasingly repressive nature of the regime, the threshold of activity and profile for conducting surveillance on a person, and for them to become of interest to NISS, is likely to be lower than that set out in HGMO. Furthermore, given the low number of enforced and voluntary returns from the UK, if a person has been politically active this may become known by the authorities on return either through surveillance undertaken in the UK or from questioning on arrival in Khartoum. (See country information, [Surveillance operations by the Government of Sudan overseas](#) and [Treatment on return](#)).
- 2.2.9 Given the widespread human rights abuses perpetrated by NISS, reports of some political activists being detained on return to Sudan, evidence that failed asylum seekers can be detained for up to 24 hours on arrival, together with the conclusion above that NISS are likely monitoring Sudanese political activists in the UK; decision makers must carefully consider if a person’s individual profile would make them a ‘person of interest’.
- 2.2.10 An assessment of risk must be made taking account of relevant risk factors. The onus is on the person to demonstrate that they are likely to be of interest to the authorities, because of an actual or perceived political opinion, including with relevant documentary evidence, such as letters from diaspora groups.

2.2.11 Risk factors to consider include:

- if a person has been of previous interest to the authorities (including being on a travel watch list).
- promoting anti-regime opinions through online media, such as Twitter, Facebook and Youtube as well as Sudanese community forums.
- contact with Sudanese opposition groups outside Sudan including attendance at public meetings or events, membership or support of opposition groups, or an online profile connected with opposition groups that can be traced to the individual or email addresses linked to opposition groups.
- the nature of the opposition group with which a person has an association, and the extent to which that group is targeted by the Sudanese government, in Sudan, at the current time. In particular persons affiliated with Darfuri armed rebel groups, such as the JEM, will be more likely to be at risk. See: [Does the person fall to be excluded from a grant of protection?](#)
- A person's family connections or personal links to known political opponents.

2.2.12 Not all sur place activity will put someone at risk, but if a person is able to demonstrate that their activities in the UK have or are likely to bring them to the adverse attention of the Sudanese authorities and the Sudanese authorities would regard those activities as harmful to their interests, then they are likely to face persecution on return and may qualify for asylum.

2.2.13 It is difficult to be prescriptive on what kind of sur place activity may place someone at risk, but this is likely to correspond to a similar level of political activity in Sudan.

2.2.14 The act of claiming asylum will not, in itself, place a person at risk and persons who have left Sudan legally will be able to return without adverse treatment (see the country information and guidance on: [Sudan: Treatment on Return](#) and country information, [procedures for exiting Sudan legally](#)).

2.2.15 See also: [Does the person fall to be excluded from a grant of protection?](#)

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2.3 Are those at risk able to seek effective protection?

2.3.1 As the person's fear is of ill treatment/persecution at the hands of the state, they would not be able to avail themselves to the authorities for protection.

2.3.2 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Are those at risk able to internally relocate?

- 2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state and in particular on arrival at Khartoum International Airport, they would not be able to internally relocate.
- 2.4.2 For further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#).

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2.5 Does the person fall to be excluded from a grant of protection?

- 2.5.1 Decision makers must consider if there are serious reasons for considering if a person's sur place political activity may have given rise to severe human rights abuses and violations of international humanitarian law such that a person should be excluded from a grant of protection.
- 2.5.2 In particular decision makers must carefully consider cases in which persons claiming to be involved with armed rebel groups such as JEM should be excluded.
- 2.5.3 Where a person is excluded from protection under the Refugee Convention they are also excluded from Humanitarian Protection. However, if there is a real risk of a breach of Article 3 ECHR or Article 15(c) of the Qualification Directive, they may be entitled to Discretionary Leave or Restricted Leave.
- 2.5.4 See the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#), the [Asylum Instruction on Discretionary Leave](#) and the [Asylum Instruction on Restricted Leave](#).

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2.6 If refused, is the claim one which is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

- 2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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Country Information

Date Updated: 7 July 2015

3. Diaspora groups and 'sur place' activity

3.1 The Sudanese diaspora community

3.1.1 A Landinfo report dated 11 November 2013 observed that: 'There are significant Sudanese exile communities in many places around the world', although noted that the largest diaspora communities were in Arabic countries and included mainly migrant workers.¹ The source continued: 'Neighbouring countries such as Egypt and Saudi Arabia have large groups of Sudanese, but other countries in the Gulf and Libya have also been significant migration destinations in the Arab world.'² Waging Peace in a report dated September 2014, also noted that Uganda, Kenya and Egypt had large Sudanese refugee populations and exiled political opposition.³

3.1.2 The Landinfo report 2013 also noted:

'Outside the Arab world, as a former colonial power, the UK has a Sudanese immigrant community of considerable size. However, countries that are more open to immigration for work and higher educational purposes than those in Europe also have relatively large Sudanese communities - such as Canada, Australia and South Africa.'⁴

3.1.3 An IOM Migration report on Sudan dated 2011, observed:

'The size of Sudanese or Sudanese-origin population and their distribution abroad are difficult to ascertain exactly and only some broad estimates can be proposed (cfr. subsection B.3.2). Generally, it is clear that the Sudanese diasporas or expatriates are a not a negligible number, in particular in some developed countries, and tend to settle abroad permanently. ...'⁵

3.1.4 The IOM report provides the following graph. Although on the acquisition of citizenship in the UK, Australia, United States and Canada, it illustrates the growth and relative sizes of Sudanese diaspora communities in these countries:

¹ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

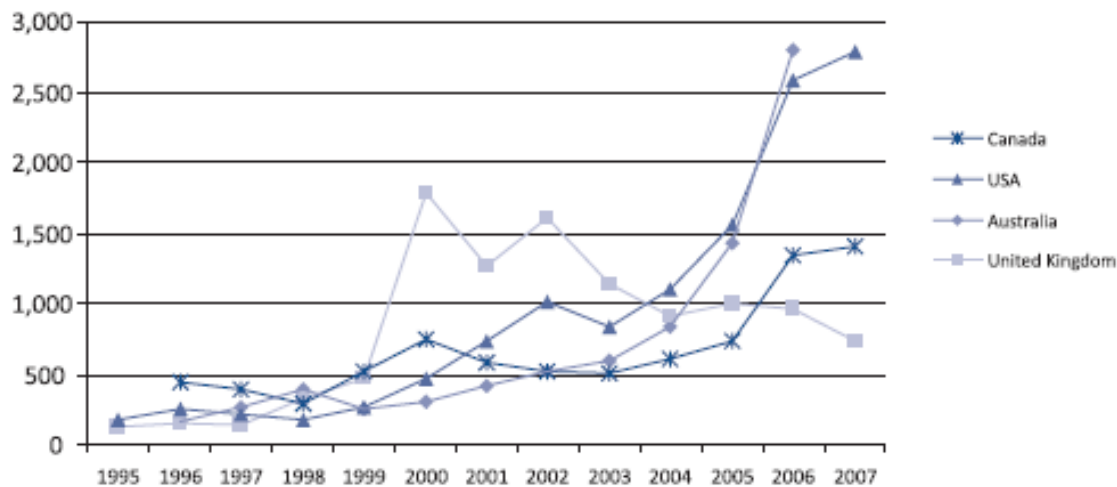
² Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

³ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

⁴ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, para 6.1, translation available on request

⁵ IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf, date accessed: 19 June 2015

Figure 14: Acquisition of foreign citizenship by Sudanese citizens in selected countries, 1995–2008



Sources: EUROSTAT (2010), OECD (2010a), MPI (2010), national publications/databases.

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3.1.5 The same source further observed:

‘Sudanese abroad tend to establish families, also from marriage with foreign partners, and tend to have a good number of children. In the United States, the most recent multi-year (2006/2008) ACS data give an average household size of around 3.5 and an average family size of 4.2 for Sudan-born population, compared respectively with 2.6 and 3.2 for total population (US Census Bureau, 2009b).

‘Conclusive data on the socio-professional profile of Sudanese abroad is not available and conflicting numbers may be found, for instance on the number of medical doctors abroad. As from subsection B.3.5, a number of people with Sudanese origin work abroad in highly qualified positions as medical specialists, general practitioners, veterinarians, pharmacists, engineers, university professors and lecturers, teachers, judges, lawyers, legal advisers, entrepreneurs and managers. Sudanese with tertiary education generally undertake occupations commensurate with their level of study, as documented by the situation in selected Western countries about ten years ago (cfr. Annex III, Figure 26). Looking to the most recent data, in 2006/2008 22.7 per cent of Sudan-born workers in the United States were occupied in management, professional and related positions (US Census Bureau, 2009b).

‘According to projects undertaken in the framework of the World Bank International Migration and Development Program, in the last two decades Sudan experienced a remarkable increase in brain drain. While the Centre

⁶ IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf, date accessed: 19 June 2015

for Global Development estimates an emigration rate of physicians as high as 13 per cent,⁷

- 3.1.6 There are no official statistics on the size of the Sudanese diaspora community in the UK. Between 2002 and 2014, the Home Office granted protection to 3,759 persons from Sudan, with a further 386 asylum cases granted on appeal (between 2007 and 2014). UK citizenship has been granted to 16,558 former Sudanese nationals between 1990 and 2014, whilst settlement has been granted to 6,966 Sudanese nationals between 2004 and 2013.⁸

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4. Sur place activity in the UK and other groups focused on Sudan

- 4.1.1 An IOM London mapping exercise paper, dated July 2006, noted: ‘Sudanese community organisations in the UK conform to a number of models, which include the following.

- Political Organisations: these are predominantly branches of Sudanese national political parties, for example the Umma Party, the Democratic Unionist Party and the Sudanese Communist Party. They also include organisations like the Sudan People’s Liberation Movement (SPLM) and umbrella organisations like the National Democratic Alliance (NDA).
- Trade Unions: these are mostly branches in exile of formerly national organisations, such as the Sudanese Women’s Union and the Sudanese Doctors’ Union.
- National non-political organisations: these are also mostly national organisations. They have an activist agenda. Some of these organisations were banned in Sudan and sought refuge in the UK (e.g. the Sudan Human Rights Organisation); some have been formed *ab initio* in exile (the Sudan Organisation Against Torture).
- Refugee organisations are often formed by Sudanese asylum seekers in the UK. There is no single body with an overall remit covering all Sudanese asylum seekers in the UK. Instead, asylum seekers organise themselves in smaller organisations linked to the locality in which they live (e.g. the Sudanese Midlands Refugee Community).
- Social organisations are community organisations which have an almost purely social function. They are often formed on a regional basis with reference either to an area in the UK (e.g. the Sudanese community in Leeds) or to their members’ origin in Sudan (e.g. the Organisation of Nubian

⁷ IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf, date accessed: 19 June 2015

⁸ Home Office, Asylum data tables, Sudan, January – March 2015, <https://www.gov.uk/government/statistics/immigration-statistics-january-to-march-2015-data-tables>, date accessed: 26 June 2015

Sudanese). The latter pattern of organisation tends to make them more ethnically oriented. Gender is also the basis of some social (and political) Sudanese community organisations.

Some organisations combine two or more of the above patterns (e.g. the Organisation of Sudanese Nubians in London; the Equatoria Women Self Help Society; or the Sudan Women's Union).⁹

4.1.2 An IOM Migration Report on Sudan dated 2011 also observed:

'Sudanese abroad have formally grouped themselves in organized entities. These entities are first the social associations of people with Sudanese origin established in most the countries of migration, even at local level, having social and cultural interests and intending to maintain the ties with Sudan. In addition, starting from the early nineties highly skilled and qualified Sudanese expatriates and their descendants have constituted professional associations and networks intending to connect among themselves and to contribute to the development process in Sudan activities, an aspect that is also common in other Eastern African communities abroad such as Ethiopia and Somalia. These entities, which concern mainly physicians, engineers and researchers, largely rely on the Internet as communication means, hold annual meetings and provide direct contribution to development projects in Sudan. These networks are generally independent from the government or political associations, relying on membership and/or donors' contributions ...¹⁰

4.1.3 An open letter from the NGO Waging Peace to Ban Ki-Moon, dated 22 December 2014, listed numerous UK based groups linked to Sudan including the Justice and Equality Movement; Darfur Victims Organisation for Rehabilitation and Relief (DVORR); National Sudanese Women Alliance in Diaspora, Beja Congress UK; Darfur Union UK & Ireland; SUDO; Voice of Darfur Women; Nuba Now; EASE Women Group; Beja Congress Corrective; Sudan Organisation for Development and DAAM (Network for Coordinating Sudan Pro-Democracy Action Abroad); other groups Waging Peace had been in contact with included the Massaleit Community in the UK and Ireland; Nuba Mountains Solidarity Aboard (NMSA) UK and Ireland; Zaghawa Community Association (Beri) and Tunjur Community in the UK (Birmingham).¹¹

4.1.4 In 2012 Waging Peace NGO provided the Home Office with examples of letters/letter-heads issued by the following Sudanese diaspora groups:

⁹ IOM, Sudan mapping exercise, London, July 2006, http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf, date accessed: 15 June 2015

¹⁰ IOM, Sudan mapping exercise, London, July 2006, http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf, date accessed: 15 June 2015

¹¹ Waging Peace et al, Open letter to Ban Ki-Moon, Secretary-General of the United Nations, 22 December 2014, 'Re the ICC arrest Warrant for President al Bashir', accessed via HART-UK, <http://www.hart-uk.org/wp-content/uploads/2014/12/Letter-to-Ban-Ki-Moon-22-Dec-2014-re-ICC-Sudan.pdf>

Tunjur Community in the UK (Birmingham); the Beja Congress UK & Ireland (Manchester); Beja Congress Corrective (London); Nuba Mountains Solidarity Abroad (NMSA) UK and Ireland; Zaghawa Community Association (Beri) and the Darfur Union in UK & Northern Ireland (Birmingham).¹²

4.1.5 See also: [Letters provided by diaspora groups to Sudanese asylum applicants](#)

4.1.6 The Waging Peace letter, dated 22 December 2014, also listed numerous UK-based activists, including Gaafer Ali, Mohammed Bahari, Abdalla Ahmed; Sam Godolphin; Ahmed Elzobier; Ahmed Gamar; Hamza Yousif; Alhadi Altrayih; Mohammed Abaker; Ali Rahman; Rasha Ibrahim; Hashim Othman Mustafa Ibrahim.¹³ It is not known from the letter if these individuals are of Sudanese origin, but it is noted some are from Sudan. For example Gaafer Ali can be found on Twitter (@GaaferAAli). His profile reads: 'Sudanese and A British, currently live and work in UK, Development Economist, Translator and Community Activist. ...'¹⁴ One of his latest tweets, dated 15 June 2015 noted: '#AlBashir never landed in a real democratic country b4 now. Tried Nigeria once but fled back as fast. Now in SA, law + justice must prevail.'¹⁵ An earlier post, dated 6 June 2015, showed a picture of a demonstration by Downing Street in London, the tweet noted: 'A Demo in front of Downing Street in support of Sudanese people under the Attack of #Sudan regime #Darfur #Nuba Mnts'¹⁶

4.1.7 Waging Peace in their reports 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', dated September 2012 and 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', dated September 2014, provided testimony accounts from persons who claimed to have experienced mistreatment and/or harassment on return to Sudan. The testimonies referred to several individuals involved in political opposition groups in the UK, including Mr Y who had links with the Nuba Mountains Solidarity Abroad (NMSA)¹⁷, Dr Sigi Awad Kabbalo, a member of the Central Committee of the Sudanese

¹² Provided by Waging Peace to the Home Office Country of Origin Information Service, between April and December 2012, available on request

¹³ Waging Peace et al, Open letter to Ban Ki-Moon, Secretary-General of the United Nations, 22 December 2014, 'Re the ICC arrest Warrant for President al Bashir', accessed via HART-UK, <http://www.hart-uk.org/wp-content/uploads/2014/12/Letter-to-Ban-Ki-Moon-22-Dec-2014-re-ICC-Sudan.pdf>

¹⁴ Twitter profile page, Gaafer Ali, undated, <https://twitter.com/gaaferaali>, date accessed: 15 June 2015

¹⁵ Tweet by @GaaferAAli on 15 June 2015, <https://twitter.com/GaaferAAli/status/610360228190752768>, date accessed: 15 June 2015

¹⁶ Tweet by @GaaferAAli on 6 June 2015, <https://twitter.com/GaaferAAli/status/607206558544629761>, date accessed: 15 June 2015

¹⁷ Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, Annex D, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

Communist Party¹⁸ and Mr V a 'senior member of Sudanese opposition in the UK.'¹⁹

4.1.8 Landinfo in their 2013 report observed that '... most Sudanese are very involved in politics...' and went on to note that '[i]n Sudanese exile communities, including ones in Norway, Sudanese with higher education form a significantly higher proportion of the community than they do in the indigenous population in Sudan. Thus, political activity in Sudanese exile communities is correspondingly high.'²⁰ The report further noted:

'The Sudanese exile community in Norway is relatively small and until recently, it was composed mainly of people with higher education - precisely that segment of the indigenous Sudanese population that is particularly politically active. The Sudanese communities in Egypt, Saudi Arabia and the UK probably play a more important role in terms of political activity in exile, as they are much larger than those in Norway. Even so, Landinfo believes that Norway is a relatively important exile community for Sudanese in a European context.'²¹

4.1.9 Outside the Sudanese diaspora community, other UK-based activist groups known to have an interest in Sudanese refugee and asylum issues include Article 1²², HART²³ and the Aegis Trust²⁴ as well as Waging Peace.²⁵ While in Westminster the All Party Parliamentary Group (APPG) for Sudan and South Sudan, chaired by William Bain MP aims to '...[p]romote in Parliament and in Her Majesty's Government the cause of peace, justice and development for all the peoples of Sudan.'²⁶ Further information on events, activities and other work undertaken by the group can be found through their [website](#).

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¹⁸ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, Annex 4, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

¹⁹ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, Annex 10, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

²⁰ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

²¹ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

²² Article 1 website, <http://www.article1.org/index.php>, date accessed: 15 June 2015

²³ Humanitarian Aid Relief Trust, Sudan page, <http://www.hart-uk.org/locations/sudan/>, date accessed: 15 June 2015

²⁴ Aegis Trust, <http://www.aegistrust.org/>, date accessed: 15 June 2015

²⁵ Waging Peace NGO website, <http://www.wagingpeace.info/>, date accessed: 15 June 2015

²⁶ Parliament.gov.uk, Register of all Party Groups, as at 30 March 2015, <http://www.publications.parliament.uk/pa/cm/cmllparty/register/sudan-and-south-sudan.htm>, date accessed: 14 July 2015

5. The Justice and Equality Movement (JEM) and other insurgent groups active in the UK

- 5.1.1 The Justice and Equality Movement (JEM) is one of the main Darfuri insurgent group known to be active in Darfur and with a presence in the UK. General background on the group can be found via the Sudan Human Security Baseline Assessment paper on the [Justice and Equality Movement](#).
- 5.1.2 The website for the Justice and Equality Movement, noted that the group had an office in London, Edgware Road, in Abrar House.²⁷ Testimony accounts published by Waging Peace, verified this information.²⁸
- 5.1.3 A series of promotional videos on the JEM is available online via YouTube²⁹
- 5.1.4 Several sources illustrate JEM links to the UK, indicating the group is well established with a number of senior members working and living in the UK and Ireland.³⁰ Other news media reports from 2009³¹, 2011³² and 2013³³ identify JEM as having a London based media spokesperson.

²⁷ JEM, Justice and Equality Movement Sudan Office UK and Northern Ireland, <http://www.sudanjem.org/2013/12/justice-and-equality-movement-sudan-office-uk-and-northern-ireland/>, date accessed: 25 June 2015

²⁸ For example see testimony account from Ms A, Annex 6, Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

²⁹ You Tube, JEM, https://www.youtube.com/channel/UCr2fSO3CVw_j7XHBN2a-tcQ, date accessed: 2015

³⁰ A report from the Times, dated 21 March 2009, referred to at least six UK citizens and one Irish national involved in the Justice and Equality Movement executive committee. This included lawyers, an economist, a surgeon and an anthropology professor. See: The Times, 'Black Book's call for equality drew exiles to struggle in Sudan', by Anthony Loyd, 20 March 2009, subscription website. Summary available via <http://emm.newsexplorer.eu/NewsExplorer/clusteredition/en/20090320,sundaytimes-269e493f40fab99ba6cac004583d4f18.html>, date accessed: 15 June 2015; a report from the Evening Standard, dated 20 March 2009, referred to el-Tahir el-Faki (now a member of the JEM Executive Council), who had previously worked as a doctor at Luton and Dunstable hospital. Mr el-Faki was born in the Kordofan region of Sudan and had lived in Britain for 22 years. The article noted that el-Faki had previously participated in peace talks with the Sudanese government and had worked in Darfur, The Evening Standard, 'Luton doctor spearheads fight against Sudan leader', by Anna Davis, 20 March 2009, <http://www.standard.co.uk/news/luton-doctor-spearheads-fight-against-sudan-leader-6892674.html>, date accessed: 15 June 2015; an AFP report dated 26 January 2012, noted the current leader of JEM, Jibril Ibrahim (the brother of former leader, the late Khalil Ibrahim) was pursuing a teaching career in London while serving as JEM's foreign affairs chef, before taking control of the organisation, Agence France Presse report, 26 January 2012, cited by Andrew McGregor, 'Keeping it in the family: A profile of Jibril Ibrahim: Leader of Darfur's Justice and Equality Movement', 30 May 2014, <http://www.aberfoylesecurity.com/?p=850>, date accessed: 15 June 2015

³¹ Sudan Tribune, 'JEM rebels say moving towards the Sudanese capital', 23 December 2011, http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=41072, date accessed: 15 June 2015.

³² Al Arabiya, 'Darfur rebels attack in North Kordofan as they move towards Sudan's capital', 23 December 2011, <http://english.alarabiya.net/articles/2011/12/23/184167.html>, date accessed: 15 June 2015

³³ Open Letter, 'JEM bids Madiba farewell', Gibreel Adam Bilal, Secretary for media and

- 5.1.5 Professor Abdullahi el-Tom, the Chief Whip of JEM (who is also Professor and Head of Anthropology at Maynooth University in Dublin³⁴) in February 2015 spoke at a conference on Darfur at Oxford University³⁵, together with guest speakers from other movements, including other Darfuri armed groups. This included Dr Hashim Mukhtar, member of the Sudan Liberation Movement, Abdul Wahid Al-Nour faction; Ustaz Mohamed Basheer Abdalla, representative of the SLM - Minni Minnawi faction; Yahia El-Beshir, chairperson of the Sudan National Liberation Movement and Dr El-Tahir El-Faki, deputy of the Executive Council of the JEM.³⁶
- 5.1.6 In December 2012 Waging Peace provided the Home Office with example letters JEM issued to its UK members. One letter issued circa early 2012, was signed by Abdulhafiz Mohammad, Chairman of the JEM in the UK and Northern Ireland. The letter referred to JEM activities in various cities in the UK, including public demonstrations outside Downing Street. Additionally it was noted that the group held meetings, seminars and other events, including events held in Birmingham. The letter also referred to persons being at risk from identification on return to Sudan, because of prominent positions held in the movement. The letter itself, referred to an individual who held the post of Secretary for Information and Public Relations at the Birmingham branch.³⁷
- 5.1.7 An earlier JEM letter, date-stamped 7 April 2011, was signed by Abudrahman Sharafedin, General Secretary of the JEM UK branch. The letter referred to a demonstration conducted on 6 March 2011 outside the Sudanese Embassy in London which was described as: ‘... an alliance between Darfur Union in the UK and JEM including opposition parties ...’³⁸
- 5.1.8 JEM posted a YouTube video of a demonstration carried out in the UK in 2014, protesting against the Sudanese regime, following reports of multiple acts of rape and sexual violence perpetrated by Sudanese security forces in Tabit, Darfur, in 2014.³⁹ The demonstration was held in front of Downing Street in London. According to the posting, JEM members made up over half of the people who attended the event.⁴⁰

Spokesperson (JEM), London, 10/12/2013, [http://sudaneseonline.com/cgi-](http://sudaneseonline.com/cgi-bin/esdb/2bb.cgi?seq=print&board=10&msg=1386741291&rn=)

[bin/esdb/2bb.cgi?seq=print&board=10&msg=1386741291&rn=](http://sudaneseonline.com/cgi-bin/esdb/2bb.cgi?seq=print&board=10&msg=1386741291&rn=), date accessed: 15 June 2015

³⁴ You Tube, Interview with Professor Abdullahi el-Tom -Profile of a JEM leader, 5 December 2014, https://www.youtube.com/watch?v=x_bmih5Wfy8, date accessed: 15 June 2015

³⁵ African Studies Centre, Oxford University, ‘Conference on Darfur at the Cross Roads’, St Anthony’s College, 21 February 2015, <http://www.africanstudies.ox.ac.uk/conference-darfur-cross-road>, date accessed: 15 June 2015

³⁶ African Studies Centre, Oxford University, ‘Conference on Darfur at the Cross Roads’, St Anthony’s College, 21 February 2015, <http://www.africanstudies.ox.ac.uk/conference-darfur-cross-road>, date accessed: 15 June 2015

³⁷ Letter from Abdulhafiz Mohammad, JEM UK & Northern Ireland, ‘To whom it may concern’, dated redacted, circa early 2012, available on request

³⁸ Letter from Abudrahman Sharafedin, General Secretary of the JEM UK branch, ‘To whom it may concern’, dated stamped 7 March 2011, available on request

³⁹ Human Rights Watch, ‘Sudan: Mass Rape by Army in Darfur’, 11 February 2015, <http://www.hrw.org/news/2015/02/11/sudan-mass-rape-army-darfur>, date accessed: 26 June 2015

⁴⁰ You Tube, ‘London Tabit Rape Demonstration 15 Nov 2014’, 18 November 2014,

6. Letters provided by diaspora groups to Sudanese asylum applicants

- 6.1.1 In 2012 Waging Peace NGO provided the Home Office with examples of letters issued by the following Sudanese diaspora groups to its members, including those issued to persons claiming asylum in the UK. The letters provided included the following organisations:
- Tunjur Community in the UK (Birmingham)
 - The Beja Congress UK & Ireland (Manchester)
 - Beja Congress Corrective (London)
 - Nuba Mountains Solidarity Abroad (NMSA) UK and Ireland
 - Zaghawa Community Association (Beri)
 - Darfur Union in UK & Northern Ireland (Birmingham)⁴¹
- 6.1.2 The same group also supplied example letters from the JEM, UK Branch and an example of an IDP card issued to JEM members in the UK.⁴²
- 6.1.3 An email from Waging Peace to the Home Office in April 2012, also noted that ‘[i]t has been drawn to our attention that someone is writing fake letters on behalf of the Darfur Union. ...’ The email further explained that Hussain Biggera, Chairman of the Darfur Union for the UK and Ireland was concerned about this development and had no knowledge of the author of the ‘fake’ letters’.⁴³
- 6.1.4 It is not possible to independently verify the accuracy or reliability of the information contained in these letters. It is also noted that the letters supplied by Waging Peace are dated 2011 and 2012, may no longer be current or accurate or indeed the organisations themselves may have since changed name or ceased to exist.

7. Procedures for exiting Sudan legally

- 7.1.1 Exit visas were issued in Sudan for persons wishing to leave the country. The US State Department, Human Rights Report 2014, Sudan, noted:
- ‘The government requires citizens to obtain an exit visa if they wish to depart the country. Issuance was usually pro forma, but the government used the visa requirement to restrict some citizens’ travel, including members of professions such as medical doctors, and persons of political or security

<https://www.youtube.com/watch?v=LjcQ1AzkyD8>, date accessed: 15 June 2015

⁴¹ Provided by Waging Peace to the Home Office Country of Origin Information Service, between April and December 2012, available on request

⁴² Provided by Waging Peace to the Home Office Country of Origin Information Service, between December 2012 and January 2013, available on request

⁴³ Email from Waging Peace to the Home Office, 27 April 2012, available on request

interest. To obtain an exit visa, children must receive the permission of both parents.

'On August 6, the NISS prevented the deputy for communications of the National Umma Party and chairman of the Darfur Bar Association, Mohamed Abdalla El Duma, from travelling to Paris to attend discussions with opposition parties and rebel groups. On September 26, authorities prevented his travel to Nairobi. ... On September 4, Siddig Yousef, external affairs secretary of the National Consensus Forces, was prevented from traveling to Addis Ababa for talks with the SRF [Sudan Revolutionary Front]. Authorities detained Hassan Babiker of the same entity upon his return from the meetings in Addis.'⁴⁴

- 7.1.2 According to an IOM report dated 2011, Sudanese intending to leave Sudan for working abroad were in general subject to the following conditions: ' ... the endorsement of the proposed contract by the Ministry of Labour; ... finalization of exit procedures (taxes, etc...) at Secretariat of Sudanese Working Abroad (SSWA)[;] ... a valid passport and a valid exit visas issued by Ministry of Interior.'⁴⁵ Waging Peace (WP), in a report dated September 2014, noted that exit visas could be obtained from the Ministry of Interior's main office in Khartoum or the transit office at Khartoum International airport.⁴⁶ The same source noted that travellers to Uganda, Kenya and Egypt had been subject to further questioning on exit possibly because these countries had large Sudanese refugee populations and were home to exiled political opposition.⁴⁷

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8. The Sudanese security services and treatment of political opposition in Sudan

8.1 The National Intelligence and Security Services and affiliated agencies

- 8.1.1 The National Intelligence and Security Service (NISS) is responsible for the management of operations of national security such as border control, prostitution, sexual exploitation, human trafficking and trafficking on body

⁴⁴ US State Department, 2014 Human Rights Report, Sudan, <http://www.state.gov/documents/organization/236622.pdf>, date accessed: 27 June 2015

⁴⁵ IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf, date accessed: 19 June 2015

⁴⁶ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

⁴⁷ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese Nationals who leave Sudan', http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 22 June 2015

organs.⁴⁸ More recently under an amendment to Article 151 of the Interim Constitution, the role of NISS has been enhanced from an intelligence agency focused on information gathering, analysis and advice, to a security agency with a broader mandate to exercise functions usually carried out by the armed forces or other law enforcement agencies.⁴⁹ Waging Peace in a report dated September 2014, noted that government officials working in the Sudanese immigration department were known to work for NISS.⁵⁰

8.1.2 Under the National Security Act, 2010, individuals suspected of presenting a threat to the state may be detained without charge for up to 45 days without judicial review, which the director of security may extend for a further three months. The National Security Act further provides NISS officials with impunity for acts involving their official duties.⁵¹

8.1.3 Sources consistently highlighted NISS as responsible for significant human rights violations in Sudan. The British Embassy letter dated 19 February 2015 explained:

'Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record. ... Without prejudice to comments above about allegations of mistreatment attributed to NISS, it is important to note that such detentions are an extremely common occurrence and it should not be assumed that everyone detained would be subject to same sort of treatment. The treatment received could be determined by a number of factors including, but not limited to: the nature of the accusations; public and international profile; age; family connections; and, ethnic background.'⁵²

8.1.4 Amnesty International, in a report on NISS dated March 2015 noted:

'As the Sudanese National Intelligence and Security Service (NISS) intensifies its crackdown on the freedoms of expression, assembly and association in Sudan, it provides an ominous warning about human rights in the context of upcoming general elections in April [2015]. ... Since January 2015, at least 16 newspapers have had their publications confiscated on 42 different occasions by NISS. Four leading civil society organisations have been shut down with at least five others under threat of imminent closure. Several journalists report interrogation and harassment by the police and NISS agents. There is no legal basis or rationale for these actions by NISS other than to quell dissent and criticism of the National Congress Party as the general elections approach.

⁴⁸ IOM, Migration in Sudan: A Country Profile 2011, <http://reliefweb.int/report/sudan/migration-sudan-country-profile-2011>, date accessed: 19 June 2015

⁴⁹ Amnesty International, Sudanese National Intelligence Service empowered to violate human rights, 19 March 2015, <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>, date accessed: 15 July 2015

⁵⁰ Waging Peace, The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese Nationals who leave Sudan', http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 22 June 2015

⁵¹ National Security Act 2010, English translation, available on request

⁵² British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

‘Though the NISS has for the last decade perpetrated human rights violations with impunity, its current human rights violations have reached unprecedented levels. The NISS has used excessive and sometimes lethal force in breaking up demonstrations, protests and rallies as well as office raids and confiscations of newspapers, perpetrated arbitrary arrests and deliberately targeted ethnic and religious minorities.

‘Between 2012 and 2014, the NISS arrested human rights defenders, students, activists, political opponents and journalists en masse. Most of those arrested were subsequently released without trial, but a few have been kept incommunicado, outside the protection of the law and vulnerable to torture and other forms of ill-treatment. Human rights violations committed by NISS agents are seldom investigated by the Sudanese authorities.

‘In January, the Sudanese Parliament passed amendments to the Interim Constitution, including one extending the NISS’ mandate. The amendment to Article 151 transforms the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the armed forces or law enforcement agencies. By expanding the NISS’s mandate, Parliament has not only endorsed its methods but rewarded its performance. ... Conferring an intelligence agency such as the NISS with such a mandate, in addition to its already extensive powers of arrest, detention, search and seizure under the National Security Service Act (NSA), is particularly alarming in the context of the upcoming general elections in April. During the 2010 general elections, the NISS used intimidated, arrested and detained opposition candidates, voters and human rights defenders. They have the power to do a lot more now.

‘ ... [T]he new NISS is now a super-agency that can respond to any political, economic or social threat. It now has the unlimited discretion to decide what is or isn’t a danger, including the legitimate exercise of freedom of expression, assembly and association. ... The “new” relationship between the NISS, the military and law enforcement agencies is not articulated. The NISS is already deployed both militarily and in law enforcement. There is a risk that the NISS’s mandate, cutting across intelligence, military and law enforcement spheres, could also undermine or unduly interfere with ordinary police work thus enhancing dysfunction in the criminal justice system.’⁵³

8.1.5 The US State Department’s 2014 Human Rights Report for Sudan reported:

‘Although the government in 2011 named a special prosecutor from the Ministry of Justice to monitor NISS detentions, the independent expert remained concerned about weak judicial oversight of NISS arrests and detention. In numerous press statements, the [UN] independent expert expressed concern over the NISS’ failure to adhere to human rights

⁵³ Amnesty International, Sudanese National Intelligence Service empowered to violate human rights, 19 March 2015, <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>, date accessed: 15 July 2015

principles, including respect for the rule of law in Khartoum, Darfur, and the Two Areas.⁵⁴

8.1.6 Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees, which comes under the MoI, has an 'obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan'.⁵⁵ However a letter from the British Embassy, dated 19 February 2015, clarified that: '...we have not received a clear answer as to what this [Article] means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS.'⁵⁶

8.1.7 A report from IOM, dated 2011, listed the responsibilities of the Ministry of Interior, Commission of Refugees (COR), as follows:

'Protecting, registering, counselling and providing material assistance and documents to foreign refugees at different administrative stages and all along their staying in the country. [...] ... Scrutinizing the requests of asylum in coordination with UNHCR [...] ... Management of refugees camps. [...] ... Undertaking or supporting awareness and information campaigns in coordination with other national and international institutions. [...] ... Following-up on the situation of Sudanese refugees abroad according to existing regulations. [...] ... Data collection, compilation of statistical reports studies on refugees.'⁵⁷

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8.2 Treatment of Sudanese political opponents

8.2.1 The British Embassy in Khartoum, in a letter dated 19 February 2015 confirmed that: 'Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record.'⁵⁸ Amnesty International reporting on events in 2014 noted:

'The authorities increased restrictions on freedoms of expression, association and assembly throughout the country, in what appeared to be a concerted effort to shut down independent dialogue. The government continued to use the National Intelligence and Security Services (NISS) and other security forces to arbitrarily detain perceived opponents of the ruling National Congress Party, to censor media and to shut down public forums and protests. The arbitrary detention of activists, human rights defenders and political opposition figures continued unabated. These restrictions severely undermined the activities of civil society and prevented meaningful

⁵⁴ US State Department, 2014 Human Rights Report, Sudan, Section 1d, <http://www.state.gov/documents/organization/236622.pdf>, date accessed: 27 June 2015

⁵⁵ 2014 Asylum Act, English Translation, available on request

⁵⁶ British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

⁵⁷ IOM, Migration in Sudan: A Country Profile 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf, date accessed: 19 June 2015

⁵⁸ British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

public consultation on Sudan's new Constitution, which the government declared would be based on Shari'a law.'⁵⁹

8.2.2 The US State Department (USSD) reported in its 2014 human rights report:

'According to NGOs, civil society activists in Khartoum, and former detainees, government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. Subsequently, the government released many of these persons without charge. It did not investigate cases of torture or excessive use of force by security agents... Journalists were beaten, threatened, and intimidated... Security forces and police harassed suspected government opponents.'⁶⁰

8.2.3 The USSD report 2014 further noted:

'The NISS, police, and military intelligence arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government often targeted political opponents and suspected rebel supporters ... There were several reports of individuals detained due to their actual or assumed support of antigovernment forces, such as the SPLM-N. Local NGOs reported that some women were detained because of their association with men suspected of being SPLM-N supporters ...'⁶¹

8.2.4 The same source also observed:

'Throughout the year the government continued to hold political prisoners and detainees, including protesters. Due to a lack of access, the actual numbers of political prisoners and detainees could not be confirmed. Human rights monitors reported political prisoners as being in the hundreds, but the government claimed that it did not have political prisoners. The government severely restricted international humanitarian organizations' access to political detainees.

'The government allowed UNAMID extremely limited access to Darfuri political detainees in Khartoum and Darfur. The NISS refused the request of the UN independent expert on the human rights situation in Sudan in June to visit detained student activist Mohammed Salah to ascertain his health. ... Security forces detained political opponents incommunicado, without charge, and tortured them. Some political detainees were held in isolation cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted the NISS ran "ghost houses," where it detained opposition and human rights figures without acknowledging they were being held. Such detentions were prolonged at times.

⁵⁹ Amnesty International, Report 2014/15, Sudan, February 2015, <https://www.amnesty.org/en/countries/africa/sudan/report-sudan/> accessed on 9 July 2015

⁶⁰ US State Department, 2014 Human Rights Report, Sudan, Section 1b, <http://www.state.gov/documents/organization/236622.pdf>, date accessed: 27 June 2015

⁶¹ US State Department, 2014 Human Rights Report, Sudan, Section 1d, <http://www.state.gov/documents/organization/236622.pdf>, date accessed: 27 June 2015

'On April 6, President Bashir announced all political prisoners who had not committed criminal offenses would be released. Authorities released 24 prisoners following this announcement. Several additional political prisoners, however, were arrested or had their jail terms extended after this declaration. ... The government continued to arrest members of the SCP, National Umma Party, Sudanese Communist Party, and affiliates of the SPLM-N or other opposition groups.'⁶²

8.2.5 A blog post on the website Reporters without Borders, dated 10 March 2014,, referring to the treatment of bloggers/media workers in Sudan noted:

'The pace of censorship accelerated in 2011-2012. In an effort to bypass controls, some media workers opted to post prohibited content on their Web pages or Facebook profiles. NISS agents then began targeting this form of online journalism. Private emails are increasingly intercepted, and mobile phones are used to geo-locate journalists and activists.

'Popular uprisings in June-July, 2012 and June and September of 2013 prompted the arrests of numerous bloggers, journalists and activists. Agents often forced them to open and take down their Facebook and Twitter accounts. This forcible access to personal data also allows security forces to map dissidents' networks.

'Video blogger Najla Sid-Ahmed was systematically harassed by security services in 2012 and forced to flee the country in July of that year. She became a target because of her videos documenting human rights abuses. NISS agents robbed her, confiscated her audio-visual material, and arrested her, holding her for several hours without food. She was then accused conspiracy and hate incitement, charges punishable by death in Sudan.

'Journalist and activist Somaia Ibrahim Ismail, known as "Hundosia," a government opponent, was arrested on 29 October 2010, then seized by security service agents who tortured her for three days, on the pretext of membership in an armed group. She fled the country in November, 2012.

'On 22 June 2012, NISS agents arrested Ussamah Mohamed, whose tweets and blog postings made him very popular, especially in Burri, a neighbourhood on the outskirts of Khartoum. He was beaten for hours after refusing to unlock his iPhone. He was released in early August, 2012, after a detention marked by long interrogations focused on his Facebook and Twitter accounts, and online opposition forums.'⁶³

8.2.6 The same source also highlighted that online media reporting of politically sensitive issues, such as the Darfur conflict or popular uprisings, had resulted in state-sponsored 'blocking' as well as cyber attacks and the infiltration of such websites for intelligence purposes. As noted:

⁶² US State Department, 2014 Human Rights Report, Sudan, Section 1e, <http://www.state.gov/documents/organization/236622.pdf>, date accessed: 27 June 2015

⁶³ Reporters without Borders, 'Enemies of the Internet, Sudan: Scoring high in censorship', 10 March 2014, <http://12mars.rsf.org/2014-en/2014/03/10/29/>, date accessed: 18 August 2015

'Sudanese conflicts in Darfur Since 2008, due to its content about the war in Darfur and popular uprisings, the Sudanese Online site has been hit by repeated blocking, hacking and infiltration by the NISS cyber brigade. The unit penetrates online discussions to gather information on cyber-dissidents and spread false information. News sites characterized as oppositionist, such as Al-Rakoba and Hurriyat are frequently blocked. The longest-running of these actions hit Al-Rakoba, which was inaccessible for 10 months, from June, 2012 to April, 2013.

'In September, 2012, following the posting of the online video, "The Innocence of Muslims," which unleashed massive protests throughout the Arab world, NTC blocked YouTube access for one month.

'Widespread internet blackouts aimed at shutting down media amount to another form of radical censorship that the regime uses to hamper freedom of information and repress all criticism.'⁶⁴

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9. Surveillance operations by the Government of Sudan overseas

9.1 Surveillance activities in the UK

9.1.1 At the 10th European Country of Origin Information Seminar on Sudan, dated 1 – 2 December 2005, held in Budapest (republished 29 November 2006), Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, made reference to NISS presence in Europe more generally. As noted:

'—Of course, the Sudanese government observes activities of Sudanese nationals in Europe. Each consular or embassy has at least two security officers who deal with intelligence information. Each event that is related to Sudan is attended by people from the embassy who observe and report – not to the minister of foreign affairs, but directly to their headquarters in Khartoum. The security apparatus, consisting of both internal security and intelligence service, monitors the activities of Sudanese citizens abroad.'⁶⁵

9.1.2 A report from Inigo Gilmore published in the Guardian, dated 28 March 2007, referred to the case of Sadiq Adam Osman, a failed asylum seeker who was returned to Sudan in 2007 from the UK.⁶⁶ The article explained:

⁶⁴ Reporters without Borders, 'Enemies of the Internet, Sudan: Scoring high in censorship', 10 March 2014, <http://12mars.rsf.org/2014-en/2014/03/10/29/>, date accessed: 18 August 2015

⁶⁵ 10th European Country of Origin Information Seminar, dated 1 – 2 December 2005, Budapest, 'Sudan', republished 29 November 2006, http://www.ecoi.net/file_upload/918_1164896371_coi-se-budapest200611-sudan-report-revised-version.pdf, date accessed: 26 June 2015

⁶⁶ The Guardian, 'I was expecting to die!', 28 March 2007, <http://www.guardian.co.uk/world/2007/mar/28/sudan>, date accessed 26 June 2015

'The end of the road for Sadiq came in January [2007], when the Home Office ruled that he was not at risk. He lost his appeal and was arrested and transferred to Oakington detention centre, near Cambridge, to await deportation. ... Within days, he was at the airport and, on February 5 [2007], was flown on a Gulf Air flight to Khartoum via Bahrain. After arriving in Sudan's capital he denied he was from Darfur, because, he said, he feared they might kill him. ... When I arrived at the airport an officer said to me, "come here you donkey", he remembered. "They took me into a small office and slapped me around and kicked me." ... As he continued to deny he was Darfuri, the officers became frustrated. "Later I was blindfolded, and taken to another location in a car," he said. "Then I was in a room, and I was tied to a chair. After they tied me up, they beat me. ... The officers brought some photos taken in London of Darfuris protesting. They said to me: Do you know the people in these photos? My photo was among those they were showing me, except I looked different. I was wearing a hat and had long hair at the time. He asked me do you know the people in the photos? and began calling out their names. I recognised one name." ... Sadiq's claim that he was presented with photos of himself taken during protests over Darfuris is not unique among Darfuri refugees, and it is something I put to the ambassador. "Absolutely not!" Mr Siddig said. "I have no idea of what you are talking about. No one is monitoring Darfuris, and no one took any pictures around this embassy."

'But we have obtained video, shot outside the embassy, which clearly shows embassy officials filming Darfuri protesters and their supporters, including Glenys Kinnock and other campaigners. "So what is wrong if that happened?" the ambassador asked when I pointed this out.'⁶⁷

9.1.3 See also a short film by Inigo Gilmore, [Escape from Khartoum](#), circa March 2007.

9.1.4 The Waging Peace report, 'The Danger of Returning Home: The perils facing Sudanese immigrants when they go back to Sudan', dated September 2012, referred to several cases in which returnees had claimed the Sudanese authorities held information specifically on their activities in the UK. For example the testimony of Mr Badoui Malik Badoui noted that the people questioning him knew he had attended demonstrations whilst in the UK and that they had videos to prove these allegations. Similarly Mr A, who visited London in 2010 and returned in November 2010, claimed that on detention at Khartoum airport he was shown photographs of his attendance at a meeting in the UK and questioned him about a meeting at Abrar House on Edgware Road in London. In the case of Mr Y, his testimony reported that shortly after his return to Sudan, Mr Y was questioned repeatedly about a meeting in December 2010 he had attended in Parliament whilst in the UK.⁶⁸

⁶⁷ The Guardian, 'I was expecting to die!', 28 March 2007, <http://www.guardian.co.uk/world/2007/mar/28/sudan>, date accessed 26 June 2015

⁶⁸ Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

- 9.1.5 Baroness Kinnock, Vice Chair of the APPG on Sudan and South Sudan⁶⁹, speaking with the Telegraph in an article dated, 9 January 2013, noted that the Waging Peace report (The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012) '... had established that there was infiltration by Sudanese agents [in the UK].' Quoting Ms Kinnock, the article further explained: "It makes it clear that the Sudanese government is spying on Sudanese individuals in the UK.'⁷⁰
- 9.1.6 A more recent Waging Peace report, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, similarly referred to cases of alleged spying by Sudanese officials in the UK. In the case of Ms A, her testimony noted that following her detention at Khartoum airport, she was shown photos of her meeting with a friend belonging to the Justice and Equality Movement at a coffee shop in Shepherd's Bush, London. She was also shown a photo of herself attending a Sudan Revolutionary Front event in London, which her friend in JEM had also attended.⁷¹
- 9.1.7 This case appeared also to be reported by the Telegraph on 20 October 2014, who referred to a Saira Ahmed (not her real name), who claimed she was detained at Khartoum airport and shown pictures of a meeting she had in Starbucks near a shopping centre in Shepherds Bush, London.⁷²
- 9.1.8 Another testimony provided in the 2014 Waging Peace report was that of Mr V, a senior member of the Sudanese opposition in the UK. According to Mr V, there had been a marked increase in Sudanese intelligence monitoring in the UK in recent years. As Mr V explained:
- 'There is growing concern among the Sudanese community in the UK about the number of the NCP intelligence officers across the UK and the EU. It comes to our attention that the number of the NCP intelligence agents in the UK has increased sharply in the last three years and that those in the UK include senior officers who has been involved in crimes against humanity in Sudan. Their presence has created tensions in our wounded community.'

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

⁶⁹ Parliament.gov.uk, Register of all Party Groups, as at 30 March 2015, <http://www.publications.parliament.uk/pa/cm/cmllparty/register/sudan-and-south-sudan.htm>, date accessed: 14 July 2015

⁷⁰ The Telegraph, 'Sudanese 'diplomats spying for agents that torture in Khartoum'', 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 26 June 2015

⁷¹ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

⁷² The Telegraph, 'The Sudanese 'spies' in London Starbucks', 20 October 2014, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/11173595/The-Sudanese-spies-in-London-Starbucks.html>, date accessed: 26 June 2015

'The NISS officers who come to UK do so by falsely seeking asylum or on student visas. Some work at the Sudanese Embassy as civil servants. We are also aware that some of them try to avoid our community so as not to be identified. We have noticed that many of them, directly or indirectly related to senior NCP members, claim to belong to the Tujur or Berti tribes, these are Darfurian tribes that do not have their own languages, in order to claim asylum. Sadly some of these people have been unwittingly supported by some refugee organisations and by our community. Some of them are well known to us by their crimes against our people in Sudan whereas some hide themselves in cities across the UK so that they cannot be identified by our community.

'It strikes me that the Home office has failed to adequately check or verify that these people are genuine and that they have not been involved in crimes against humanity in Sudan. Not all of the NISS are here for one mission they are here for different missions such as money transfer (money laundering), buying property, lobbying for the NCP and information gathering amongst the opposition. The NCP have become extremely concerned about our community campaigns against human rights abuses and against war that targets innocent civilians. Therefore they have set to establish their own community in order to create balance and to further divide our community. It seems to me that the war in Sudan has been transferred to the UK with the arrival of the number of NISS. Urgent action needs to be taken to prevent any community clashes in the future. It seems that the UK has become a safe haven to those who commit crimes in Sudan.'⁷³

9.1.9 According to Mr V, NISS were currently active in London, Manchester, Birmingham, Cardiff and Newcastle, as well as other countries including Malaysia, South Sudan, Central Africa, Turkey, Qatar, Libya, Uganda, Kenya, France, Russia, Greece, Ethiopia, USA, Iran, Somalia, UK Yemen, Swaziland, Mali, Nigeria, Lebanon, Egypt, Chad and China.⁷⁴

9.1.10 A third person interviewed by Waging Peace, Mr X, claimed that he and a friend had received threatening messages in the UK because of their opposition to the Sudanese government. However the source provided no further evidence to substantiate that these threats were linked to the Sudanese authorities.⁷⁵

⁷³ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

⁷⁴ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

⁷⁵ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

9.1.11 An article from the Arabic paper, Al Youm, dated 25 October 2014, referred to a senior official at the Sudanese Ministry of Foreign Affairs who claimed that groups in the UK such as Waging Peace, the Aegis Trust and HART were liaising with members of the Sudanese Communist Party and other opposition groups to 'spread unfounded lies about Sudan.' The Ministry source quoted by Al Youm, dismissed reports of spying by the Sudan embassy in the UK and questioned the independence of the Associate Parliamentary Group for Sudan and South Sudan. The source also criticised the British Embassy in Khartoum for 'fabricating reports regarding the security situation in Sudan' and misreporting the situation in Darfur in the FCO's travel advice. The source also indicated that staff within the British Embassy had provided 'false information' to 'gain material bonuses as an add-on to their salaries, which creates a conflict of interest for the Embassy staff who benefit from these false reports.'⁷⁶

9.1.12 A letter from the Deputy Head of Mission at the British Embassy in Khartoum, dated 8 April 2013, explained that: '...there is evidence from domestic and international human rights groups to show that those who openly oppose the government from abroad will likely be arrested on return.'⁷⁷ While the letter provided no further information on monitoring activities in the UK, it did further explain:

'Recently [in 2013] a number of opposition leaders who signed a political manifesto (New Dawn Charter) in Uganda calling for reform and the overthrow of the Government of Sudan were detained for a number of weeks. These were widely reported in the Sudanese press and acknowledged as fact by the Sudanese government. One of the arrestees was a dual Sudanese/British National and this Embassy has had direct contact with the Government of Sudan about the case. We have also received credible reports from political parties and human rights groups in Sudan that those who are overly critical of the government are usually subject to surveillance and intimidation by the security services. Reports from human rights groups suggest that Darfuris and Nubans are also more likely to be at risk from this type of persecution'.⁷⁸

9.1.13 A second letter from the British Embassy, dated 19 February 2015, explained that the British embassy had no independent evidence of 'overseas surveillance of asylum seekers by the Sudanese government', although acknowledged that '... in October 2012 a Sudanese diplomat was expelled from Norway following allegations of spying on Sudanese refugees there.'⁷⁹ The same source noted:

"Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees has an "obligation to monitor the situation of Sudanese refugees

⁷⁶ Al Youm Al Tali, 'High ranking source reveals to "Al-Youm Al-Tali" the details of a campaign to tarnish Sudan's image', 25 October 2014, translation provided by the British Embassy, Khartoum on 27 October 2014, Annex C

⁷⁷ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

⁷⁸ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

⁷⁹ British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

abroad and to expressly encourage them to return to Sudan”, although we have not received a clear answer as to what this means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS.’⁸⁰

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9.2 Surveillance activities in Norway

9.2.1 In 2012 Norway expelled a Sudanese diplomat who they believed was involved in spying on Sudanese refugees.⁸¹ A Reuters report dated 9 October 2012 explained further:

‘The Foreign Ministry expelled a Sudanese diplomat on Tuesday [9 October 2012], accusing the envoy of spying on Sudanese refugees in Norway. The diplomat, who was not identified, had received information from a Sudanese man accused of espionage who was arrested on Tuesday, the Norwegian Police Security Service said. The Sudanese ambassador in Norway, Onoor Ahmed, denied that his country was involved in spying on refugees, the broadcaster NRK reported.’⁸²

9.2.2 Landinfo, the Norwegian COI service, in a report dated 11 November 2013 noted:

‘The refugee spy case discovered by the Norwegian Police Security Service (PST) in October 2012 (see Sarstad 2012 and Sætran 2013) shows the Sudanese authorities attempt to monitor political activity in exile communities. While it is not possible to know exactly who the authorities’ were targeting, Landinfo is aware that the threshold for being monitored in Sudan is extremely low. On this basis, we can assume that it is equally low abroad.

‘At the same time: even though the authorities attempt to monitor communities in exile, this is a much more challenging task than is possible in Sudan. Surveillance “at home” can be carried out without problems and in more forms compared to what is possible abroad. In other countries, telephone tapping would be more difficult (as this often requires the complicity and support of the telephone companies), and other covert surveillance abroad would be more difficult than in Sudan.

‘Open activities such as meetings, use of social media and similar activities would thus be relatively easier to monitor than “at home”. It is impossible to say whether the use of informants is more common in exile than in Sudan.

‘We emphasise that it is extremely difficult for outsiders to know what information the Sudanese intelligence authorities have on the political

⁸⁰ British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

⁸¹ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

⁸² Reuters, ‘Norway: Sudanese Envoy Expelled’, carried by the New York Times, dated 9 October 2012

http://www.nytimes.com/2012/10/10/world/europe/sudanese-diplomat-is-expelled-from-norway.html?ref=sudan&_r=1&, date accessed: 17 June 2015

activities of individuals, as well as how they evaluate available information in relation to the action they take against specific individuals. ...⁸³

- 9.2.3 More recently, Norway in an Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) response to the UK dated July 2015, responding to the question: 'Do you have any evidence the Sudanese government has the capability to monitor individuals and organisations from the Sudanese diaspora in your country?', noted in their reply:

'There has been one case of refugee [e]spionage in Norway, where a Sudanese man with refugee status in Norway in 2012 was arrested for collecting and handing over information on other refugees to a representative at the Sudanese Embassy in Oslo. The man was convicted in 2013, and the case was appealed to the Supreme Court, which in September 2014 sentenced the man to one year and three months in prison. The representative at the Embassy involved was asked to leave Norway, when the case evolved in 2012. ... We are not aware of other cases.'⁸⁴

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9.3 Reports on the use of electronic surveillance

- 9.3.1 A blog post on the website Reporters without Borders, dated 10 March 2014, although referring to electronic surveillance in Sudan and not overseas, highlighted a growth in cyber monitoring by the Sudanese authorities since 2011. As noted:

'In 2011, at the height of the Arab Spring, Sudan's ruling National Congress Party, fearing the spread of political challenges from abroad via social media, decided to upgrade its internet surveillance capability by forming a "Cyber Jihadist Unit" assigned to conduct "online defence operations" to "crush" internet dissidents.

'Two hundred agents spread throughout the country, working in shifts to provide 24 hour-a-day capability, especially during peak internet usage hours – nights and weekends. The unit was strengthened in 2012, when the Sudanese blogosphere was experiencing an unprecedented boom, growing from 70 to 300 blogs over a period of 18 months.

'The security services recruit agents from public higher education institutions including the National Ribat University. New recruits receive online piracy training in Malaysia and India. They are trained to monitor internet content, hack online accounts (email, Facebook, Twitter), block or take down sites and identify targets to put out of action.

⁸³ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

⁸⁴ IGC response from Norway, dated 7 July 2015, public disclosure response available on request

'However, the Cyber-Jihadist Unit on its own would be insignificant without the protection afforded by its parent organization, the NISS, the main agency for repression and censorship in Sudan.'⁸⁵

9.3.2 Both the Waging Peace reports, 2012 and 2014, included testimony accounts which indicated the security services interrogated personal electronic and social media information. For example the testimony account from Mr El-Baghdady noted in the case of his own detention: '[The NISS] checked our phone records and emails, and [which] proved we were precisely what we said we were.'⁸⁶ Later, referring to his observations with regard to the treatment of others, Mr El-Baghdady explained:

'In the third prison the guards entered the cell and would single out one detainee and beat him in front of all other men. There was one time when truckloads of men were brought into this prison. We could see from our window seventy men chained together and beaten in a courtyard with pipes. They did this all day, and then took them inside one by one to give their Facebook and email passwords. This group was suspected of writing things against the government, they were arrested and forced to hand over their information. The same guard who told us about the Philipiono lady made a comment about the Facebook problem, "only receive, and never send, that will stop you getting into trouble on Facebook".'⁸⁷

9.3.3 Referring to the case of Ms B, a journalist from the Nuba Mountain who now has refugee status in the UK, her testimony noted that she was required to provide to the authorities in Dilling (South Kordofan) a copy of her passport; telephone; email and family contacts back in Khartoum.⁸⁸ The account later noted: 'When I got to Khartoum, I received an email and I opened it. It put a virus on my computer and I was then unable to access any of my other emails. I then later got a second email, and when I opened this one, it was able to hack into my account and spam all of my contacts.' The source however provided no further information to substantiate that her computer had been hacked by the Sudanese authorities.⁸⁹

⁸⁵ Reporters without Borders, 'Enemies of the Internet, Sudan: Scoring high in censorship', 10 March 2014, <http://12mars.rsf.org/2014-en/2014/03/10/29/>, date accessed: 18 August 2015

⁸⁶ Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

⁸⁷ Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

⁸⁸ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

⁸⁹ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

9.3.4 Landinfo, the Norwegian COI service, in a report dated 11 November 2013 noted: 'Surveillance "at home" can be carried out without problems and in more forms compared to what is possible abroad.' The report further indicated that telephone tapping and other forms of covert surveillance would be relatively more straight forward in Sudan compared to in overseas countries.'⁹⁰

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10. Reports of harassment, detention and mistreatment on arrival / return to Sudan

10.1 'Persons of interest' to the Sudanese authorities

10.1.1 The UN's High Commissioner for Human Rights, 'Tenth Periodic report of the UN High Commissioner for Human Rights on the situation of human rights in Sudan', dated 28 November 2008, observed: 'Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organizations abroad.'⁹¹

10.1.2 A Landinfo report on non-violent political activism, dated 11 November 2013, but based on written and verbal sources between 2008 and 2013, opined:

'Landinfo must conclude that those who carry out political activity critical to the regime when abroad can attract the attention of the authorities when they return to Sudan - if the authorities have noticed this activity. This applies as much to activities aimed at influencing public opinion and political development in Sudan, as activities aimed at gathering international recognition for the conditions in the country. The consequences of this type of activity will probably be the same as corresponding activity in Sudan. ... Landinfo emphasises that our interpretation of the examples described [about activity in Sudan] ... indicates that the regime's aim is more to stop regime-critical activity and frighten people from pursuing such activity in the future, rather than punishing them for activities that have already taken place.

'Landinfo also notes that political activity does not automatically have consequences for Sudanese when they return to the country - either voluntarily or enforced.'⁹²

10.1.3 The source further noted:

⁹⁰ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

⁹¹ OHCHR, 'Tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, Arbitrary arrest and detention committed by national security, military and police', 28 November 2008, <http://www.ohchr.org/Documents/Countries/10thOHCHR28nov08.pdf>, date accessed: 15 June 2015, p.20-21

⁹² Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

'Even though it does not take much for NISS to create a file on a person for their political activity, Landinfo also believes that those whose political activity is not particularly great or who do not have great influence in the country in which they live or within their own community, will not be followed very closely. NISS is busy enough with following those they view as a real threat to the regime (precisely because the tolerance for monitoring is low and many are being monitored), and we believe that it takes more than membership of a political party, passive participation in a meeting occasionally and/or passive participation in public demonstrations for someone to be viewed as a threat.

'Exposure in local, national or international media may have some significance, but again, this will depend on a number of factors. As Landinfo sees it, taking part in a demonstration and possibly being featured in a photograph in a newspaper will probably be [of] little importance, whereas playing a leading role as a spokesperson or organiser would be more problematic, because it shows that the person has charisma, influence and can mobilise people. Being noticed in a medium with broad exposure will contribute more to this, but it is difficult to say just how much. ... These assessments should be seen in connection with the fact that the Sudanese security service must be well aware that the Sudanese are very politically engaged and have robust opinions on the political development in their homeland.'⁹³

10.1.4 Waging Peace in a report dated September 2014, provided media reports of a number of cases in which persons travelling abroad (not to the UK) had been detained on their return to Sudan. The media reports included:

- Dr Mariam El Mahdi, Vice President of the Umma Party (and daughter of its leader, Sadiq al Mahdi). Dr El Mahdi was detained on 12 August 2014, after attending a conference of Sudanese opposition in Paris.
- Mohamed Hasim, deputy general coordinator of the Tamarud campaign, who was detained at Khartoum airport on return from Egypt.
- Six Sudanese opposition politicians, returning from a political conference in Uganda, who were arrested in January 2013 at Khartoum airport on arrival.
- Tijany Alhaj Abdu Alrahman, a human rights defender, democracy advocate and writer, who was in exile in Eritrea, returned to Sudan on 25 April 2013 and was detained at Khartoum airport.
- 25 Darfurian students deported from Israel to Sudan. A report from Radio Dabanga.⁹⁴

⁹³ Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, para 6.1, translation available on request

⁹⁴ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September

10.1.5 The Waging Peace report did not confirm if in any of the cases, those held in detention had been released. In the case of Tijany Alhaj Abdu Alrahman the report noted that Mr Alrahman's whereabouts were 'unknown'; whilst in the case of Dr Mariam El Mahdi it was noted that she was still held in detention at the time of publication.⁹⁵ However, a report from Radio Dabanga, dated 9 September 2014, confirmed that Dr El Mahdi was released in the early hours of 9 September 2014.⁹⁶ Information from the FCO in Khartoum also confirmed that the six opposition politicians returning from Uganda were held for a period of 'weeks' (see paragraph 10.1.17).⁹⁷

10.1.6 A letter from the Deputy Head of Mission at the British Embassy in Khartoum, dated 8 April 2013, explained that: '...there is evidence from domestic and international human rights groups to show that those who openly oppose the government from abroad will likely be arrested on return.'⁹⁸

10.1.7 The letter went on to explain:

'Recently a number of opposition leaders who signed a political manifesto (New Dawn Charter) in Uganda calling for reform and the overthrow of the Government of Sudan were detained for a number of weeks. These were widely reported in the Sudanese press and acknowledged as fact by the Sudanese government. One of the arrestees was a dual Sudanese/British National and this Embassy has had direct contact with the Government of Sudan about the case. We have also received credible reports from political parties and human rights groups in Sudan that those who are overly critical of the government are usually subject to surveillance and intimidation by the security services. Reports from human rights groups suggest that Darfuris and Nubans are also more likely to be at risk from this type of persecution'.⁹⁹

10.1.8 An updated letter dated 19 February 2015, acknowledged that returnees: 'can be subject to further questioning by security [services] should they be determined to be a potential person of interest.' The letter further noted that '[w]hile it was difficult to offer a definitive statement on who would fall into such a category, activities likely to be of interest would include: being of previous interest to the authorities (in which case they may appear on a travel watch list); having a record of contact with Sudanese opposition groups outside of Sudan; or, having attracted the attention of the authorities

2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

⁹⁵ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf

⁹⁶ Radio Dabanga, 'Dr Maryam El Mahdi released by Sudan security', 9 September 2014, <https://www.dabangasudan.org/en/all-news/article/dr-maryam-el-mahdi-released-by-sudan-security>, date accessed: 14 August 2015

⁹⁷ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

⁹⁸ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

⁹⁹ British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

during time overseas including through engagement with opposition groups within the diaspora.’¹⁰⁰

- 10.1.9 Commenting on the likelihood of mistreatment by NISS, the same letter acknowledged that ‘... such detentions are an extremely common occurrence’, clarifying that ‘... it should not be assumed that everyone detained would be subject to the same sort of treatment. The treatment received could be determined by a number of factors including, but not limited to: the nature of the accusations; public and international profile; age; family connections; and, ethnic background.’¹⁰¹

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10.2 Testimonies of mistreatment from persons returning to Sudan

- 10.2.1 A report from the Telegraph dated 17 March 2009 noted:

‘Adam Osman Mohammed, 32, was shot dead in his home in front of his wife and four-year-old son just days after arriving in south Darfur, it is claimed. ... Mr Mohammed, a non-Arab Darfuri, came to Britain seeking sanctuary from persecution in Sudan, where he said his life was in danger. ... The village where he was a farmer had been raided twice by the Janjaweed, the ethnic Arab militia, forcing him and his wife and child to flee their home. ... Mr Mohammed became separated from his wife during a second attack on the village a few weeks later and escaped to Chad before making his way to the UK in 2005. ... He lived in Birmingham for three years but his appeal for asylum was finally turned down last year and he returned to Darfur.

‘In August [2009] he was flown to Khartoum under the Home Office's assisted voluntary return programme, in which refugees are paid to go back to their country of origin. ... He stayed in Khartoum for a few months and then, when he believed it was safe, he travelled to Darfur to be reunited with his family. ... Mr Mohammed's cousin, Mohamed Elzaki Obubeker, who is chairman of the Darfur Union in the UK, said: “The government security forces had followed him to another village, Calgoo, where his wife and child had sought help. They came to the village to find him and then targeted him. They shot him in front of his wife and son.”’¹⁰²

- 10.2.2 The NGO Waging Peace, in a report entitled, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, dated September 2012, provided testimonies from six persons, several of whom claimed to have experienced mistreatment on return to Sudan or recently after their arrival. The cases can individually be read in the [report](#). Four of the testimonies were from anonymous sources, two were sourced, namely

¹⁰⁰ British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, Annex A

¹⁰¹ British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, Annex A

¹⁰² The Telegraph, ‘Failed asylum seeker murdered after returning to Darfur, 17 March 2009 <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/5003439/Failed-asylum-seeker-murdered-after-returning-to-Darfur.html#>, date accessed: 15 June 2015

from Badaoui Malik Madaoui (a Darfuri failed asylum seeker) and Magdy El Basghdady (a British national).¹⁰³

10.2.3 The majority of the cases involved persons who were politically active, had some level of political profile or had attended opposition Sudanese demonstrations in public whilst in the UK, including outside Downing Street and the Sudanese embassy in London. All the Sudanese nationals were persons who stated they were from conflict areas or known opposition groups (Darfur (including non-Arab Darfuris); Nuba; Beja/Beja Congress). The sixth case cited was that of Magdy El Baghdady, a British national, with political and business interests in Sudan and Egypt and who had connections with the family of Sadiq Al Mahdi, former Prime Minister of Sudan, and now leader of the opposition Umma Party.¹⁰⁴

10.2.4 One of the cases involved a failed asylum seeker from the UK who had their return enforced; one was an enforced return case from Germany and a third an asylum seeker who had voluntarily returned to Sudan from Italy. Two of the cases were non-asylum related returns (one a British citizen of Sudanese-Darfuri origin who had previously been granted asylum, the other a student returnee, who subsequently claimed asylum in the UK and was granted refugee status).¹⁰⁵

10.2.5 The above-mentioned Waging Peace report was also referenced by the Telegraph in an article dated 9 January 2013. The article cited Baroness Kinnock, Vice Chair of the APPG on Sudan and South Sudan¹⁰⁶, who ‘... said she had hosted an event by the activist organisation Waging Peace. She said the Waging Peace report ‘... had established that there was infiltration by Sudanese agents [in the UK].’¹⁰⁷ Quoting Ms Kinnock, the article further explained:

“It makes it clear that the Sudanese government is spying on Sudanese individuals in the UK and that this can result in their detention and torture when they return to Sudan. I was appalled to hear of the arrest, detention and torture of a Sudanese man because of his attendance at an event in

¹⁰³ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

¹⁰⁴ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

¹⁰⁵ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf, date accessed: 26 June 2015

¹⁰⁶ Parliament.gov.uk, Register of all Party Groups, as at 30 March 2015, <http://www.publications.parliament.uk/pa/cm/cmhallparty/register/sudan-and-south-sudan.htm>, date accessed: 14 July 2015

¹⁰⁷ The Telegraph, ‘Sudanese 'diplomats spying for agents that torture in Khartoum', 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 26 June 2015

Parliament which I chaired. ... The government must look again at the activities of the Sudanese intelligence agencies in this country and investigate the claims of torture by the Sudanese National Intelligence Services made by those who have been returned.”¹⁰⁸

10.2.6 The same Telegraph article, dated 9 January 2013, also referred to the case of Badaoui Malik Badaoui, a Dafuri refugee who was arrested at Khartoum airport in July 2012 to face questions about his attendance at demonstrations at Downing St and outside the Sudanese embassy in St James in 2010. According to the source, ‘[o]ver a period of nine days in detention, he suffered daily beatings after undergoing questions for shaming Darfur.’¹⁰⁹

10.2.7 The Telegraph also referred to a second case, that of ‘Yassir’, an activist in London who had also claimed asylum. According to the Telegraph article, Mr Yassir said he was detained in January 2013 on return to Sudan, months after attending a House of Lords debate on Sudan. The article observed that Mr Yassir was ‘convinced that the security agents at Khartoum airport were acting on intelligence gathered in London.’¹¹⁰

10.2.8 Quoting an interview with Mr Yassir, the article continued:

“I think there are some refugees that are not genuine but have been sent here by the Mukhabarat (Sudan Security Services) to monitor the rest of us ... They said they had sent me to London to make a human of me ... They said ‘you are a black slave, you will never be the equivalent of an Arab. We sent you to the UK and you have come back brainwashed against us.’”¹¹¹

10.2.9 Kamal Kambal, an activist for the Nuba was also quoted by the Telegraph: “We believe there are government spies writhing [sic] the Sudanese community ... They knew the whole story of that meeting [with Mr Yassir] and used it against Yassir during his arrest.”¹¹²

10.2.10 A second Waging Peace report entitled ‘How the Sudanese Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan’, dated September 2014 provided a further 10 testimonies, the majority of whom claimed to have experienced mistreatment, harassment or intimidation on return to Sudan or recently after their arrival. Eight of the

¹⁰⁸ The Telegraph, ‘Sudanese ‘diplomats spying for agents that torture in Khartoum’, 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 26 June 2015

¹⁰⁹ The Telegraph, ‘Sudanese ‘diplomats spying for agents that torture in Khartoum’, 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 17 June 2015

¹¹⁰ The Telegraph, ‘Sudanese ‘diplomats spying for agents that torture in Khartoum’, 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 17 June 2015

¹¹¹ The Telegraph, ‘Sudanese ‘diplomats spying for agents that torture in Khartoum’, 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 17 June 2015

¹¹² The Telegraph, ‘Sudanese ‘diplomats spying for agents that torture in Khartoum’, 9 January 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/9790152/Sudanese-diplomats-spying-for-agents-that-torture-in-Khartoum.html>, date accessed: 17 June 2015

testimonies were from anonymous sources, two were sourced, namely those from Afaf Mohammed and Dr Awad Kabbalo. Three of the cases involved mistreatment or harassment following their enforced return to Sudan; two failed asylum seekers from the UK, (Mr U and Mr Y) and one deport case from France (Mr T).¹¹³

10.2.11 Similar to the 2012 report, the majority of the cases involved persons with some level of political activity, including journalists and human rights activists. At least nine of the cases involved persons from conflict areas or known opposition groups, notably from Darfur, but also a case from the Nuba Mountains. Several of the accounts included reference to surveillance and harassment by NISS overseas, including in the UK.¹¹⁴

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10.3 The case of Magdy el-Baghdady

10.3.1 Magdy el-Baghdady was a British national who was detained by the Sudanese authorities between February and May 2011 and reportedly mistreated by the security forces.¹¹⁵

10.3.2 An article published by the Guardian, dated 6 August 2012, reported that el-Baghdady, suffered mistreatment during his detention by NISS, during which time Sudanese officials refused to believe he was British, and suspected him of having a political involvement with 'pro-democracy movements' opposed to the Government.¹¹⁶ As the source explained: '...[T]he most serious accusation was that Baghdady had links to the pro-democracy movements that have been sweeping across the region and intended to take the Arab spring to Sudan. In mid-February 2011, when he was arrested, events in neighbouring Egypt had already put Omar al-Bashir's regime on alert and in a state of paranoia about foreigners in the country.'¹¹⁷ Mr Al Baghdady was detained approximately two weeks after arriving in the country from Egypt; he was released without charge in May 2011.¹¹⁸

¹¹³ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

¹¹⁴ Waging Peace, 'The Long Arm of the Sudanese Regime: How the Sudanese National Intelligence and Security Service monitors and threatens Sudanese nationals who leave Sudan', September 2014, http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf, date accessed: 26 June 2015

¹¹⁵ Foreign and Commonwealth Office, 'Human Rights and Democracy Report 2012', http://www.ecoi.net/local_link/244451/354299_en.html, date accessed: 26 June 2015

¹¹⁶ The Guardian, 'Arrested, beaten and tortured: young Briton describes year of terror in Sudan', 6 August 2012 <http://www.theguardian.com/world/2012/aug/06/arrested-beaten-tortured-briton-sudan>, date accessed: 17 June 2015

¹¹⁷ The Guardian, 'Arrested, beaten and tortured: young Briton describes year of terror in Sudan', 6 August 2012 <http://www.theguardian.com/world/2012/aug/06/arrested-beaten-tortured-briton-sudan>, date accessed: 17 June 2015

¹¹⁸ Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012,

10.3.3 Magdy El Baghdady provided an extensive testimony account about conditions whilst in detention in Sudan, including his treatment in Kober prison, Khartoum, where he was held in the political remand wing. Referring to his interrogation by NISS officers in Kober prison, Mr El-Baghdady noted:

‘Sudan’s system is absolutely different from normal procedure. They use force and intimidation to make a person speak quickly. After being beaten men speak fast, without thinking straight or protecting their friends. If they are guilty of something there is no way they will last a few days under this kind of treatment. The NISS quickly learnt there was no illegality whatsoever with us or our friends company, so released us. Omar and I were interrogated separately in each prison; the NISS and all other separate investigators came to the same conclusion. They took everything from Omar’s room and mine, including my socks, underwear, childhood photos, cookbooks, absolutely everything. They checked our phone records and emails, and proved we were precisely what we said we were. There was not a single thing to indicate we were trying to start a revolution. The NISS wrote this in their report and apologized to us verbally. When I mentioned embassy they were clearly worried. It was a big mistake to have arrested me and violated international law, namely the Vienna Convention Article 36. They released us without charge and passed us to another detention centre without giving the second place any information. They kept passing us to lower authorities so someone else could take responsibility for us as quite clearly a serious mistake had been made.’¹¹⁹

10.3.4 According to Mr El-Baghdady, men held in Kober prison were ‘the most opinionated’; other inmates Mr El-Baghdady met included Mohamed Nour Khalil, half-brother of the late Ibrahim Khalil (the former leader of JEM). El-Baghdady noted: ‘My own observations are that Mohammed Nour Khalil is highly opinionated and supports the JEM, but kept silent about things that could clearly have risked his life in that particular cell. The NISS routinely arrest him any time there is a sign of trouble in Sudan. He told me this was the third time he was held in political remand without charge, and he had been detained for nine months when I arrived.’¹²⁰

10.3.5 Mr El-Baghdady referred to a number of persons from Darfur who were detained in Kober prison and who experienced especially harsh treatment from the prison guards and NISS,¹²¹ remarking on the importance of ethnicity

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf, date accessed: 26 June 2015

¹¹⁹ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf, date accessed: 26 June 2015

¹²⁰ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf, date accessed: 26 June 2015

¹²¹ Waging Peace, ‘The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan’, September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf

and the differences in treatment between political and non-political prisoners Mr El-Baghdady observed:

'I was not able to learn of any hierarchy accurately enough to say, nor do I know of orders being given apart from at the mock execution in Kober Prison (described below). I can certainly say that the political prisoners were more severely treated in comparison to the non-political prisoners. The tribal aspect is very important to mention; as long as a man was from a place of conflict i.e. Darfur, he was certain to be continuously beaten even without reason, simply because of his origin. The majority of men in the worst places for were Darfurian. There is no trial, only incommunicado detention and arbitrary arrest.

'The men who were sodomized with bottles whilst others made to watch are all Darfurian, as were the men that were sodomized with metal pipes. These men will never speak about it directly and will always avoid the subject; in Sudanese culture to speak of this subject is more than humiliating, they could outcast themselves if they spoke about it. Mohamed Nour Khalil explained to me about the treatment of the Darfurians specifically. They have absolutely no way to protect themselves physically or with law, they were a long way from home. I did not meet men from Darfur in the other three prisons, only in Kober where the main political cells are. It is important to note that the political cells are for hostages taken by the NISS. The most feared place to my understanding is Kober Prison, specifically political remand (Muataqal Siyasa). I mention it a lot for this reason; the most feared location and the majority were from Darfur.'¹²²

10.3.6 Commenting on access to consular assistance, lawyers or family while held in detention, Mr El-Baghdady noted:

'Access to lawyers is prohibited; there is absolutely no chance whatsoever in any case to have access to a lawyer at all. The only way to meet a lawyer is if the family is rich enough to afford one, and even then the lawyer will meet his client for the first time in court. I was not allowed access to a lawyer or the Embassy, and I could not contact my family or use a telephone. There was no access to the outside world in the first three prisons. Omdurman is an open prison that has mobile phones circulating around and has a visiting area.'¹²³

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[ME.pdf](#), date accessed: 26 June 2015

¹²² Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO

[ME.pdf](#), date accessed: 26 June 2015

¹²³ Waging Peace, 'The Danger of Retuning Home: The perils facing Sudanese immigrants when they go back home', September 2012,

http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO
[ME.pdf](#), date accessed: 23 June 2015

11. Treatment of failed asylum seekers and removals from the UK

11.1.1 For information on this, refer to the country information and guidance on [Sudan: treatment on return.](#)

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Annex A: Letter from the British Embassy, Khartoum, 19 February 2015



British Embassy
Khartoum

Country Policy and Information Team
Home Office

19 February 2015

Dear Country Policy and Information Team

TREATMENT OF RETURNEES IN SUDAN

This letter aims to update our understanding of the situation for failed asylum seekers in Sudan since our last letter of April 2013. In preparing this letter we have consulted with the Sudanese Immigration Authorities, relevant UN agencies (UNHCR and IOM) and a number of other embassies present in Khartoum.

It is the understanding of the British Embassy in Khartoum that for any individual identified as a failed asylum seeker it is standard procedure to have their documents removed and detained for investigation by the immigration authorities for a period of up to 24 hours upon arrival at Khartoum International Airport. Should the investigation reveal any previous criminal activity or other nefarious reason for their original departure, the returnee is blacklisted from leaving Sudan again. If the crime is outstanding, they will be arrested. If a crime is not outstanding or the investigation does not reveal anything the returnee would be released by immigration.

While we have received no definitive answer on how a failed asylum seeker would be identified, things that would draw the attention of the authorities would include, but not be limited to: the use of an emergency travel document; having no valid exit visa in passport; or, being escorted into the country.

It is our understanding that any intervention by the National Intelligence and Security Service (NISS) would necessarily await the outcome of the immigration procedures. It is our firm belief that a failed asylum seeker, including an individual that had been subject to

investigation by the immigration authorities on return, would not be at risk of further investigation by NISS on that basis alone. We do know however, that returnees can be subjected to further questioning by security should they be determined to be a potential person of interest. While it is difficult to offer a definitive statement on who would fall into such a category, activities likely to be of interest would include: being of previous interest to the authorities (in which case they may appear on a travel watch list); having a record of contact with Sudanese opposition groups outside of Sudan; or, having attracted the attention of the authorities during time overseas including through engagement with opposition groups within the diaspora.

It is important to note that the National Security Act of 2010 provides NISS officers with broad powers of arrest on the basis of suspicion alone with no burden of evidential proof. Their remit, as defined in a January 2015 amendment to the National Interim Constitution of 2010, covers “political, military, economic and social threats, besides terrorism.” Individuals suspected of presenting such a threat may be detained without charge for up to 45 days without judicial review, which the director of security may extend for a further three months. The National Security Act further provides NISS officials with impunity for acts involving their official duties. Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record.

It is our understanding that UNHCR has no role in monitoring the situation of Sudanese returned to Khartoum International Airport, but that representatives of IOM would normally meet any individual being returned under the global programme of assisted voluntary returns. As reported in our letter of April 2013 it remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan. Counterparts at other embassies in Khartoum have told us that the numbers returned from their countries is very limited, if it happens at all, and that even when individuals are returned they do not actively monitor every case.

Although the British Embassy in Khartoum has no independent evidence of overseas surveillance of asylum seekers by the Sudanese government, in October 2012 a Sudanese diplomat was expelled from Norway following allegations of spying on Sudanese refugees there. Article 25 of the 2014 Asylum Act states that the Commissioner for Refugees has an “obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan”, although we have not received a clear answer as to what this means in practice. The Office of the Commissioner for Refugees comes under the Ministry of Interior, but it is the understanding of the British Embassy that they also maintain close relations with NISS.

Without prejudice to comments above about allegations of mistreatment attributed to NISS, it is important to note that such detentions are an extremely common occurrence and it should not be assumed that everyone detained would be subject to same sort of treatment. The treatment received could be determined by a number of factors including, but not limited to: the nature of the accusations; public and international profile; age; family connections; and, ethnic background.

Yours sincerely,

David Belgrove

Deputy Head of Mission and Consul General
British Embassy, Khartoum

Annex B: Letter from the British Embassy, Khartoum, 8 April 2013



British Embassy
Khartoum

British Embassy
Off Sharia Al-Baladiya
Khartoum
Sudan

8 April 2013

We have contacted the office of the United Nations High Commission for Refugees here in Khartoum. They are the lead agency for dealing with refugee issues in Sudan and have large protection teams operating throughout the country in Sudan. They had no knowledge of returned asylum seekers being mistreated by the Sudanese security agencies. We also contacted the German and Netherlands Embassies. None were aware of any cases of returnees being mistreated on return to Sudan, although they do not actively monitor every case of Sudanese being returned from their countries. We have also raised our concerns about allegations of returnees being mistreated verbally with EU partners at EU Human Rights meetings. Again EU partners had no knowledge of mistreatment of returnees but were also concerned at the reports.

However there is evidence from domestic and international human rights groups to show that those who openly oppose the Government from abroad will likely be arrested on return. Recently a number of opposition leaders who signed a political manifesto (New Dawn Charter) in Uganda calling for reform and the overthrow of the Government of Sudan were detained for a number of weeks. These were widely reported in the Sudanese press and acknowledged as fact by the Sudanese Government. One of the arrestees was a dual Sudanese/British National and this Embassy has had direct contact with the Government of Sudan about the case. We have also received credible reports from political parties and human rights groups in Sudan that those who are overly critical of the government are usually subject to surveillance and intimidation by security services. Reports from human rights groups suggest that Darfuris and Nubans are also more likely to be at risk from this type of persecution.

We should also acknowledge that in 2012 Norway expelled a Sudanese diplomat who they believed was involved in spying on Sudanese refugees there.

Deputy Head of Mission

British Embassy

Khartoum

This letter has been compiled by staff of the British Embassy in Khartoum entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s), nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA.

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Annex C: Translation of Al Youm Al Tali article, 'High ranking source reveals to "Al-Youm Al-Tali" the details of a campaign to tarnish Sudan's image', 25 October 2014

'A senior official at the Ministry of Exterior has revealed his findings about an intensive campaign against Sudan by three British NGOs, working to tarnish the image of Sudan overseas. ... Waging Peace, Aegis Trust and HART in liaison with members of the Sudanese Communist Party and other opposition members to spread unfounded lies about Sudan, These have included reports on the maltreatment of Darfuri and Nuba Mountains refugees who have returned to the Sudan.

'The sources also revealed that the campaign has accused the Sudanese Embassy in London, of spying on Sudanese nationals, to cover up the Embassy's exposure of false stories; made by individuals, supported by the above mentioned NGOs to support their Asylum applications to the UK. The campaign is supported by (S. S.) a female member of the Umma National Party and others. ... The senior official added that the British authorities might not be aware of the false stories made up by individuals in support of their asylum claims, reason why the Embassy is a threat to them.

'He also added that the organizations concerned are connected to the Sudan Parliamentary group [i.e. the Associate Parliamentary Group for Sudan and South Sudan] and exert a great deal of influence amongst some members within the group, who receive funding and support from the NGOs which could lead to biased support from the Parliamentary group.

'The source also added that the campaign has engulfed the British Embassy in Khartoum, who in turn fabricate reports regarding the security situation in the Sudan and blow matters out of proportions, extracts of this reports have unfortunately made it to the "travel advice" section provided by the British Embassy in the Sudan. ... The source also added that staff within the British Embassy, provide this false information to the Embassy, to gain material bonuses as an- add- on to their salaries, which creates a conflict of interest for the Embassy staff, who benefit from these false reports.'

¹²⁴ Al Youm Al Tali, 'High ranking source reveals to "Al-Youm Al-Tali" the details of a campaign to tarnish Sudan's image', 25 October 2014, translation provided by the British Embassy, Khartoum on 27 October 2014 via email, available on request

Background

Al Youm Al Tali is an independent daily newspaper (Committee to Protect Journalists, 'Sudan attempts to silence opposition news coverage', 1 March 2012¹²⁵ and Reuters UK, 'Sudan state security bans second newspaper in a month', 17 March 2013¹²⁶) It has had print editions confiscated on several occasions by the National Intelligence and Security Services, for example in March 2012¹²⁷ July 2013¹²⁸ and September 2014¹²⁹.

For information on the aforementioned UK NGOs, see:

- [Humanitarian Aid Relief Trust](#)
- [Waging Peace](#)
- [Aegis Trust](#)

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¹²⁵ Committee to Protect Journalists, 'Sudan attempts to silence opposition news coverage', 1 March 2012, <https://cpj.org/2012/03/sudan-attempts-to-silence-opposition-news-coverage.php#more>, date accessed: 12 November 2014

¹²⁶ Reuters UK, 'Sudan state security bans second newspaper in a month', 17 July 2013, <http://uk.reuters.com/article/2013/07/17/uk-sudan-newspaper-idUKBRE96G10L20130717>, date accessed: 12 November 2014

¹²⁷ Committee to Protect Journalists, 'Sudan attempts to silence opposition news coverage', 1 March 2012, <https://cpj.org/2012/03/sudan-attempts-to-silence-opposition-news-coverage.php#more>, date accessed: 12 November 2014

¹²⁸ Radio Dabanga, 'Sudan's NISS Bans 'Al Yom Al Tali' Daily Newspaper, Gags Reporters', 18 July 2013, accessed via All Africa, <http://allafrica.com/stories/201307190040.html>, date accessed: 12 November 2014

¹²⁹ Sudan Tribune, 'Sudanese security seizes copies of two newspapers', <http://www.sudantribune.com/spip.php?article52394>, date accessed: 12 November 2014

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- published for Home Office staff on 1 September 2015
- approved on **28 August 2015**

Changes from last version of this guidance

First version of country information and guidance in new template.

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