



Home Office

# **Country Information and Guidance**

## **Sudan: ‘Sur place’ activity in the UK**

**Version 2.0e**

**August 2016**

# 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 email [the Country Policy and Information Team](#).

## 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. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

Updated: 9 August 2016

## 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 Points to note

1.2.1 'Sur place' activities means political activities that have taken place outside the country of origin but which may still give rise to a well-founded fear of persecution or serious harm on return to that country.

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## 2. Consideration of Issues

### 2.1 Credibility

2.1.1 For further information on assessing credibility, see 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 the [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 the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Assessment of risk

2.2.1 In the Country Guidance case of [IM and AI \(Risks – membership of Beja Tribe, Beja Congress and JEM\) Sudan CG \[2016\] UKUT 188 \(IAC\) \(14 April 2016\)](#), the Upper Tribunal (UT) considered the risks faced by government opponents within and outside of Sudan. The UT found:

'The guidance intended to inform the assessment of any particular claim must be drawn from this decision read as a whole...There must be evidence known or likely to be known to the Sudanese authorities which implicates the claimant in activity which they are likely to perceive as a potential threat to the regime to the extent that, on return to Khartoum, there is a risk to the claimant that he will be targeted by the authorities. The task of the decision maker is to identify such a person and this requires as comprehensive an assessment as possible about the individual concerned.' (para 227; see also [Diaspora groups and 'sur place' activity](#)).

2.2.2 The Sudanese authorities are intolerant of opposition in and outside of Sudan. The government harasses, detains and mistreats actual or perceived political opponents including members of armed opposition groups and

political parties; civil society activists; students; and journalists (see [treatment of political opponents](#)).

### 2.2.3 However, the UT also noted:

‘The evidence draws a clear distinction between those who are arrested, detained for a short period, questioned, probably intimidated, possibly rough handled without having suffered (or being at risk of suffering) serious harm and those who face the much graver risk of serious harm. The distinction does not depend upon the individual being classified, for example, as a teacher or a journalist (relevant as these matters are) but is the result of a finely balanced fact-finding exercise encompassing all the information that can be gleaned about him... Distinctions must be drawn between those whose political activity or perceived political activity is not significant or who do not have much influence. Whilst it does not take much for the [National Intelligence and Security Service] NISS to open a file, the very fact that so many are identified as potential targets inevitably requires NISS to distinguish between those whom they view as a real threat and those whom they do not.

‘It will not be enough to make out a risk that the authorities’ interest will be limited to the extremely common phenomenon of arrest and detention which though intimidating (and designed to be intimidating) does not cross the threshold into persecution.’ (para 228 – 230)

### 2.2.4 The onus is on the person to demonstrate that they are of interest to the authorities and that their activities are likely to cause them serious harm or persecution on return. While the UT in [IM and AI](#) did not identify a list of risk factors, instead emphasising the need to look at all of the facts of the case, decision makers may find the following factors relevant. Decision makers should not view this as an exhaustive ‘check-list’ of risk factors. Rather, they are the **types** of factors that may be material to assessing a claim. These may include if a person:

- has been of previous interest to the authorities in Sudan and abroad (including being on a travel watch list)
- has promoted anti-regime opinions through online media, such as Twitter, Facebook and Youtube as well as Sudanese community forums
- has or had contact with Sudanese opposition groups inside and outside of Sudan, including attending public meetings or events, being a member or supporting opposition groups, or has 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
- a person’s family connections or personal links to known political opponents.

2.2.5 The UT found that:

'Where the claim is based on events outside Sudan, the evidence of the claimant having come to the attention of Sudanese intelligence is bound to be more difficult to establish [than that for someone who came to the authorities attention in Sudan]. However it is clear that the Sudanese authorities place reliance upon information-gathering about the activities of members of the diaspora which includes covert surveillance.

'The nature and extent of the claimant's activities, when and where, will inform the decision maker when he comes to decide whether it is likely those activities will attract the attention of the authorities, bearing in mind the likelihood that the authorities will have to distinguish amongst a potentially large group of individuals between those who merit being targeted and those who do not.' (para 235)

2.2.6 While the Sudanese authorities do conduct surveillance on their nationals overseas, it is difficult to know definitively what information they will have about a person.

2.2.7 The UT made specific findings about 'sur place' activity in paras 209-15 of IM and AI. It looked at comparative situations with Ethiopia (para 209) and Eritrea (para 210) concluding that even where a foreign mission has the will and the means to monitor its nationals, for example by taking photographs and/or videoing people during demonstrations or through the use of informants within diaspora communities, this does not mean that a person would be at risk simply for taking part. What was required was an individual assessment of the person's profile.

2.2.8 In respect of Sudan specifically, it concluded that '...it is clear that the Sudanese authorities conduct surveillance on its nationals' and that '...whilst a single reported incident of an embassy official using a camera to video demonstrators in 2006 would hardly be persuasive, it is a reasonable inference that a regime that feels threatened from those abroad as well as those at home will wish to gather such information as is reasonably available as to the level of opposition expressed by those in an expatriate community and, where possible, the identity of the groups and the individuals within them.' (para 211).

2.2.9 The UT noted the 'formidable difficulties in ascertaining the identity of a person in a photograph unless the person i[s] known to the person who identifies him' and 'Absent facial recognition techniques about which we have no evidence, there is no evidence that a person could be identified from banks of photographs taken at demonstrations across the world when he is returned to Khartoum.' (para 213).

2.2.10 Despite this, the UT concluded that 'there is direct evidence that some returnees have been confronted with photographs taken by covert operations in the United Kingdom conducted on behalf of the security services' and that 'It is not, therefore, a fanciful claim that individuals can be identified by embassy or other staff.' (para 214).

- 2.2.11 The UT concluded that ‘The obvious cost and effort render it probable (like any other intelligence-gathering organisation) that these resources are targeted at those that pose the most obvious risk. In a crowd of dozens of people, surveillance is unlikely to be carried through in an attempt to identify the rank-and-file participants and is more likely to be focussed on leaders, organisers, those often or regularly seen at such events and those present at events which are likely to attract the particular sensitivity of the Sudanese officials here, perhaps outside the embassy or perhaps at a significant anniversary or commemoration.’ (para 214).
- 2.2.12 And that ‘obvious difficulties arise in relation to establishing what information finds its way back to the authorities in Sudan about the activities of individuals whilst in the United Kingdom. It is a forlorn hope that an individual will establish - save in the rarest of cases - that an informer has identified him at a particular event on a particular day or that an embassy official has photographed a protest in circumstances that he is then able to identify the participants. We doubt whether the risk can be elevated to a finding that there is a real risk of his doing so. Nevertheless the evidence should not be discarded for that reason alone but falls into the jig-saw of evidence building up the composite picture of the individual. It is at the end of this entire process that the decision maker then reaches his single conclusion on the issue of a real risk.’ (para 215).
- 2.2.13 For guidance on considering claims based on ‘sur place’ activity, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Protection

- 2.3.1 As the person’s fear is of ill treatment/persecution at the hands of the state they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Internal relocation

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

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## 2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further information on certification, see the [Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

### 3. Policy summary

- 3.1.1 The Sudanese authorities are intolerant of political opposition both within and outside of Sudan. Sudanese intelligence conducts surveillance on politically active members of the diaspora within the UK and are likely to focus attention on those who (or are perceived to) pose most risk to the regime.
- 3.1.2 In deciding whether a person is likely to face a real risk of serious harm or persecution, decision makers must conduct a full assessment of the facts.
- 3.1.3 It is not enough for a person to simply belong to a category such as a teacher or journalist, or be a 'high' or 'low' political activist. Nor is it enough for a person to demonstrate that they may be of some interest to the Sudanese authorities which may result in them being arrested, detained for a short period of time, questioned, intimidated and possibly roughly handled before being released by the Sudanese authorities. A person must demonstrate that their activities are likely to be perceived as a threat to, and attract the attention of, the authorities in such a way that amounts to more than a routine, commonplace detention but meets the threshold of a real risk of persecution or serious harm on return.
- 3.1.4 As the risk is from the state, if a person can demonstrate a well-founded fear of persecution or serious harm protection is unavailable.
- 3.1.5 If a person can demonstrate a real risk of persecution or serious harm, internal relocation is not an option.
- 3.1.6 Where a claim fails it is unlikely to be certifiable as 'clearly unfounded'.



# Country Information

Updated: 6 June 2016

## 4. Political opposition in Sudan

### 4.1 The National Intelligence and Security Services and affiliates

4.1.1 The National Intelligence and Security Service (NISS) is responsible for Management of operations for national security such as border control and Fighting prostitution and sexual exploitation networks, human trafficking and trafficking of body organs.<sup>1</sup> An amendment to Article 151 of the Interim Constitution has enhanced the role of NISS.<sup>2</sup> A Waging Peace report dated September 2014 noted that officials in the Sudanese immigration department were known to work for NISS.<sup>3</sup>

4.1.2 Under the National Security Act 2010 individuals suspected as 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.<sup>4</sup>

4.1.3 Sources consistently highlighted NISS as responsible for significant human rights violations. 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.'<sup>5</sup>

4.1.4 Amnesty International, in a report dated March 2015, noted:

'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

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<sup>1</sup> IOM, Migration in Sudan: A Country Profile 2011 (p76), [http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf). Date accessed: 19 June 2015

<sup>2</sup> 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

<sup>3</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 22 June 2015

<sup>4</sup> National Security Act 2010, English translation, available on request

<sup>5</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex A

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.

‘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 [2015], 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 [2015]. 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.’<sup>6</sup>

#### 4.1.5 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

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<sup>6</sup> 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

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 principles, including respect for the rule of law in Khartoum, Darfur, and the Two Areas.<sup>7</sup>

4.1.6 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'.<sup>8</sup> However, a letter from the British Embassy, dated 19 February 2015, noted 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.'<sup>9</sup>

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

'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.'<sup>10</sup>

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## 4.2 Treatment of political opponents

4.2.1 The British Embassy in Khartoum, in a letter dated 19 February 2015, confirmed: 'Allegations of mistreatment amounting to cruel and inhumane treatment or torture by NISS are a matter of public record.'<sup>11</sup> 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

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<sup>7</sup> US State Department, 2014 Human Rights Report, Sudan, Section 1d, <http://www.state.gov/documents/organization/236622.pdf>. Date accessed: 27 June 2015

<sup>8</sup> 2014 Asylum Act, English Translation, available on request

<sup>9</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, [Annex A](#)

<sup>10</sup> IOM, Migration in Sudan: A Country Profile 2011, [http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf). Date accessed: 19 June 2015

<sup>11</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, [Annex A](#)

and political opposition figures continued unabated. These restrictions severely undermined the activities of civil society and prevented meaningful public consultation on Sudan's new Constitution, which the government declared would be based on Shari'a law.<sup>12</sup>

4.2.2 The US State Department 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.'<sup>13</sup>

4.2.3 The source 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...'<sup>14</sup>

4.2.4 The 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 [2014] 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

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<sup>12</sup> Amnesty International, Report 2014/15, Sudan, February 2015, <https://www.amnesty.org/download/Documents/POL1000012015ENGLISH.PDF>. Date accessed: 9 July 2015

<sup>13</sup> US State Department, 2014 Human Rights Report, Sudan, Section 1b, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236410>. Date accessed: 27 June 2015

<sup>14</sup> US State Department, 2014 Human Rights Report, Sudan, Section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236410>. Date accessed: 27 June 2015

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.

‘On April 6 [2014], 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.’<sup>15</sup>

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### 4.3 Procedures for exiting Sudan legally

#### 4.3.1 Exit visas were issued in Sudan for people who wanted 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 interest. To obtain an exit visa, children must receive the permission of both parents.

‘On August 6 [2014], 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 travelling 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.’<sup>16</sup>

#### 4.3.2 According to an IOM report dated 2011 Sudanese who intended to leave Sudan to work abroad were 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.’<sup>17</sup> Waging Peace, in a report dated September 2014,

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<sup>15</sup> US State Department, 2014 Human Rights Report, Sudan, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236410>. Date accessed: 27 June 2015

<sup>16</sup> US State Department, 2014 Human Rights Report, Sudan, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236410>. Date accessed: 27 June 2015

<sup>17</sup> IOM, Migration in Sudan: A Country Profile 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1->

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.<sup>18</sup> The source noted that travellers to Uganda, Kenya and Egypt had been questioned on exit, possibly because these countries had high numbers of Sudanese refugees, including exiled political opponents.<sup>19</sup>

- 4.3.3 The Waging Peace report also referred to the case of Meriam Ibrahim, who had been prevented from leaving Sudan.<sup>20</sup> Amnesty International, in a briefing dated 24 July 2014, confirmed that Ms Ibrahim, who had a death sentence for apostasy overturned in June 2014, was detained at Khartoum Airport by NISS and charged with providing false information about her travel documents. She was released on bail, but was unable to travel until her case was closed. However, Amnesty confirmed that Ms Ibrahim was later able to leave Sudan.<sup>21</sup>

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## 5. The Sudanese diaspora in the UK

- 5.1.1 A Landinfo report dated 11 November 2013 observed: 'There are significant Sudanese exile communities many places around the world', although noted that the largest diaspora communities were in Arabic countries and included mainly migrant workers.<sup>22</sup> 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.'<sup>23</sup> Waging Peace in a report dated September 2014 also noted that Uganda, Kenya and Egypt had large Sudanese refugee populations and exiled political opposition.<sup>24</sup>

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[Full Report.pdf](#). Date accessed: 19 June 2015

<sup>18</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

<sup>19</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 22 June 2015

<sup>20</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 22 June 2015

<sup>21</sup> Amnesty International, Meriam Ibrahim freed from death row in Sudan, 24 July 2014, [http://www.amnesty.org.uk/meriam-ibrahim-freed-death-row-sudan-apostasy-pregnant-mother#.VY0ho\\_mMOMw](http://www.amnesty.org.uk/meriam-ibrahim-freed-death-row-sudan-apostasy-pregnant-mother#.VY0ho_mMOMw). Date accessed: 26 June 2015

<sup>22</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

<sup>23</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

<sup>24</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

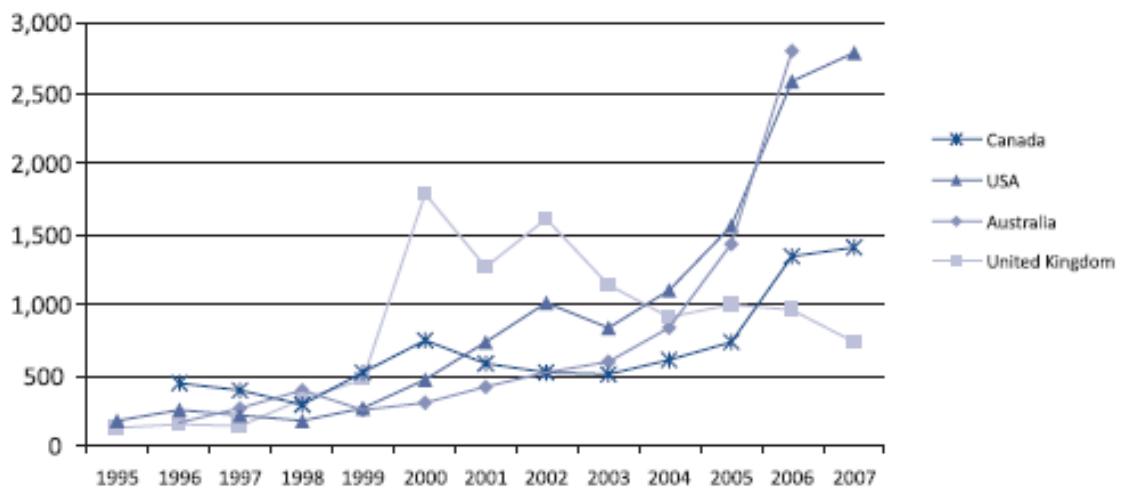
5.1.2 The Landinfo report dated 2013 also noted: ‘Outside the Arab world, as a former colonial power, the UK has a Sudanese immigrant community of considerable size. However, countries that are more open to immigration for work and higher educational purposes than those in Europe also have relatively large Sudanese communities - such as Canada, Australia and South Africa.’<sup>25</sup>

5.1.3 An International Organisation for Migration (IOM) report, 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. ... Naturalization everywhere constitutes the most important way for acquiring the foreign citizenship (for example, 70% of total cases in the United Kingdom).’<sup>26</sup>

5.1.4 The IOM report provided the following table<sup>27</sup> on the acquisition of citizenship in the UK, Australia, United States and Canada:

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



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

<sup>25</sup> Landinfo, ‘Sudan: Scope of political activity critical to the regime’, 11 November 2013, para 6.1, translation available on request

<sup>26</sup> IOM, Migration in Sudan: A Country Profile 2011, [http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf). Date accessed: 19 June 2015

<sup>27</sup> IOM, Migration in Sudan: A Country Profile 2011, [http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf). Date accessed: 19 June 2015

### 5.1.5 The 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.’<sup>28</sup>

### 5.1.6 There are no official statistics on the size of the Sudanese diaspora in the UK. Between 2001 and 2015, the Home Office granted protection to 5,783 people from Sudan. UK citizenship has been granted to 9,902 former Sudanese nationals between 2004 and 2014.<sup>29</sup>

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## 6. ‘Sur place’ activity in the UK

### 6.1 Sudanese diaspora organisations

#### 6.1.1 An IOM 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).

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<sup>28</sup> IOM, Migration in Sudan: A Country Profile 2011, [http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full\\_Report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/D2ECC0D6226DF41DC1257842003973F1-Full_Report.pdf). Date accessed: 19 June 2015

<sup>29</sup> Home Office, Asylum data tables, <https://www.gov.uk/government/statistics/immigration-statistics-april-to-june-2015>. Date accessed: 7 June 2016



- 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 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).<sup>30</sup>

#### 6.1.2 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

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<sup>30</sup> IOM, Sudan mapping exercise, London, July 2006, [http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM\\_SUDAN.pdf](http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf). Date accessed: 15 June 2015

<sup>31</sup> IOM, Sudan mapping exercise, London, July 2006, [http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM\\_SUDAN.pdf](http://unitedkingdom.iom.int/sites/default/files/doc/mapping/IOM_SUDAN.pdf). Date accessed: 15 June 2015

- 6.1.3 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 (JEM); 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).<sup>32</sup>
- 6.1.4 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.<sup>33</sup> It is not known from the letter if these individuals are of Sudanese origin, but it is noted some are from Sudan.<sup>34</sup>
- 6.1.5 Two Waging Peace reports, dated 2012 and 2014, provided testimonies from people who claimed to have been mistreated and/or harassed after they returned to Sudan. The testimonies referred to several individuals involved in opposition groups in the UK, including Mr Y, who had links with the Nuba Mountains Solidarity Abroad (NMSA)<sup>35</sup>; Dr Sigi Awad Kabbalo, a member of the Central Committee of the Sudanese Communist Party<sup>36</sup>; and Mr V a 'senior member of Sudanese opposition in the UK.'<sup>37</sup>
- 6.1.6 Landinfo, in their 2013 report, observed that '... most Sudanese are very involved in politics...' and went onto note that '[i]n Sudanese exile

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<sup>32</sup> 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>

<sup>33</sup> 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>

<sup>34</sup> Tweet by @GaaferAAli, 6 June 2015, <https://twitter.com/GaaferAAli/status/607206558544629761>. Date accessed: 15 June 2015

<sup>35</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>36</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

<sup>37</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

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.<sup>38</sup> 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.'<sup>39</sup>

- 6.1.7 Outside the Sudanese diaspora, other UK-based activist groups known to be interested in Sudanese refugee and asylum issues include Article 1<sup>40</sup>, HART<sup>41</sup>, the Aegis Trust<sup>42</sup> and Waging Peace.<sup>43</sup> 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.'<sup>44</sup>

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## 6.2 The Justice and Equality Movement and other groups in the UK

- 6.2.1 The Justice and Equality Movement (JEM) is one of the main Darfuri insurgent groups known to be active in Darfur and is present in the UK. JEM's website noted they had an office in London.<sup>45</sup> This was verified by testimonies published by Waging Peace.<sup>46</sup>

- 6.2.2 A report from the Times, dated 21 March 2009, referred to at least six UK citizens and one Irish national involved in the JEM executive committee. These included lawyers, an economist, a surgeon and an anthropology

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<sup>38</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

<sup>39</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

<sup>40</sup> Article 1 website, <http://www.article1.org/index.php>. Date accessed: 15 June 2015

<sup>41</sup> Humanitarian Aid Relief Trust, Sudan page, <http://www.hart-uk.org/locations/sudan/>. Date accessed: 15 June 2015

<sup>42</sup> Aegis Trust, <http://www.aegistrust.org/>. Date accessed: 15 June 2015

<sup>43</sup> Waging Peace NGO website, <http://www.wagingpeace.info/>. Date accessed: 15 June 2015

<sup>44</sup> 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

<sup>45</sup> 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

<sup>46</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

professor.<sup>47</sup> A report from the Evening Standard, dated 20 March 2009, referred to el-Tahir el-Faki (now a member of the JEM Executive Council<sup>48</sup>), a JEM member 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 participated in peace talks with the Sudanese government and had worked in Darfur.<sup>49</sup>

- 6.2.3 Other news media reports from 2009<sup>50</sup>, 2011<sup>51</sup> and 2013<sup>52</sup> mention JEM having a London based media spokesperson. A BBC article dated 17 February 2009, referred to Haroun Abdul Hami as a 'JEM spokesperson in London'<sup>53</sup>; whilst a Sudan Tribune report dated 23 December 2011 referred to Gibreel Adam Bilal as a 'London JEM spokesperson'<sup>54</sup>. An open letter from Gibreel Adam Bilal, dated 10 December 2013, also noted his presence in London.<sup>55</sup>
- 6.2.4 An Agence France Presse (AFP) report dated 26 January 2012 noted that the current leader of JEM, Jibril Ibrahim (the brother of former leader, the late Khalil Ibrahim), pursued a teaching career in London while serving as JEM's foreign affairs chief before he took control of the organisation. The source further noted that '[h]is lack of military experience was a major source of objections within the movement to his leadership.'<sup>56</sup> An open letter from

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<sup>47</sup> 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](http://emm.newsexplorer.eu/NewsExplorer/clusteredition/en/20090320_sundaytimes-269e493f40fab99ba6cac004583d4f18.html). Date accessed: 15 June 2015

<sup>48</sup> 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

<sup>49</sup> 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

<sup>50</sup> 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](http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=41072). Date accessed: 15 June 2015

<sup>51</sup> 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

<sup>52</sup> Open Letter, 'JEM bids Madiba farewell', Gibreel Adam Bilal, Secretary for media and Spokesperson (JEM), London, 10/12/2013, <http://sudaneseonline.com/cgi-bin/esdb/2bb.cgi?seq=print&board=10&msg=1386741291&rn>. Date accessed: 15 June 2015

<sup>53</sup> BBC News, 'Darfur rebel group signs accord', 17 February 2009, <http://news.bbc.co.uk/1/hi/world/africa/7893861.stm>. Date accessed 15 June 2015

<sup>54</sup> 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](http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=41072). Date accessed: 15 June 2015

<sup>55</sup> Gibreel Adam Bilal Open Letter, 'JEM bids Madiba farewell', Gibreel Adam Bilal, Secretary for media and Spokesperson (JEM), London, 10/12/2013, <http://sudaneseonline.com/cgi-bin/esdb/2bb.cgi?seq=print&board=10&msg=1386741291&rn>. Date accessed: 15 June 2015

<sup>56</sup> 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

Waging Peace, dated 22 December 2014, included Gebreil M Fediel (aka Jibril Ibrahim), chairperson of the JEM, as a signatory.<sup>57</sup>

- 6.2.5 In December 2012 Waging Peace provided the Home Office with letters JEM issued to its UK members. One letter issued around 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. It also noted that the group held meetings, seminars and other events including in Birmingham. The letter also referred to people at risk when they returned to Sudan because they held prominent positions in the movement. The letter referred to an individual who held the post of Secretary for Information and Public Relations at the Birmingham branch.<sup>58</sup>
- 6.2.6 Another 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 on 6 March 2011 outside the Sudanese Embassy in London: ‘... an alliance between Darfur Union in the UK and JEM including opposition parties ...’<sup>59</sup>
- 6.2.7 A series of promotional videos on the JEM is available on YouTube<sup>60</sup>. These include an interview with Professor Abdullahi el-Tom, the Chief Whip of JEM, who is also Professor and Head of Anthropology at Maynooth University in Dublin.<sup>61</sup> In February 2015 Professor Abdullahi el-Tom spoke at Oxford University as part of a ‘Conference on Darfur at the Cross Road’.<sup>62</sup> Other speakers 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.<sup>63</sup>
- 6.2.8 JEM posted a YouTube video of a 2014 demonstration outside Downing Street. The demonstration was provoked by reports of multiple rape and acts

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<sup>57</sup> 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>

<sup>58</sup> Letter from Abdulhafiz Mohammad, JEM UK & Northern Ireland, ‘To whom it may concern’, dated redacted, circa early 2012, available on request

<sup>59</sup> Letter from Abudrahman Sharafedin, General Secretary of the JEM UK branch, ‘To whom it may concern’, dated stamped 7 March 2011, available on request

<sup>60</sup> You Tube, JEM, [https://www.youtube.com/channel/UCr2fSO3CVw\\_j7XHBN2a-tcQ](https://www.youtube.com/channel/UCr2fSO3CVw_j7XHBN2a-tcQ). Date accessed: 2015

<sup>61</sup> You Tube, Interview with Professor Abdullahi el-Tom -Profile of a JEM leader, 5 December 2014, [https://www.youtube.com/watch?v=x\\_bmih5Wfy8](https://www.youtube.com/watch?v=x_bmih5Wfy8). Date accessed: 15 June 2015

<sup>62</sup> 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

<sup>63</sup> 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

of sexual violence by Sudanese security forces in Tabit, Darfur.<sup>64</sup> JEM members made up over half of the people in attendance.<sup>65</sup>

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### 6.3 Letters from diaspora groups to Sudanese asylum seekers

6.3.1 In 2012 Waging Peace provided the Home Office with letters issued by Sudanese diaspora groups to its members, who included asylum seekers. The organisations included the:

- 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)<sup>66</sup>

6.3.2 Waging Peace also supplied letters from the JEM, UK Branch, and an IDP card issued to JEM members in the UK.<sup>67</sup>

6.3.3 An email from Waging Peace to the Home Office, dated 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 explained that Hussain Biggera, Chairman of the Darfur Union for the UK and Ireland, was concerned about this and did not know who wrote the 'fake' letters'.<sup>68</sup>

6.3.4 It is not possible to verify the accuracy or reliability of the information contained in these letters. The letters supplied by Waging Peace are dated 2011 and 2012, and may no longer be current or accurate.

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## 7. Surveillance by Sudanese government

### 7.1 Surveillance activities in the UK

7.1.1 In December 2005, Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, claimed that NISS were present in Europe:

'—Of course, the Sudanese government observes activities of Sudanese nationals in Europe. Each consular or embassy has at least two security

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<sup>64</sup> 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

<sup>65</sup> You Tube, 'London Tabit Rape Demonstration 15 Nov 2014', 18 November 2014, <https://www.youtube.com/watch?v=LjcQ1AzkyD8>. Date accessed: 15 June 2015

<sup>66</sup> Provided by Waging Peace to the Home Office Country of Origin Information Service, between April and December 2012, available on request

<sup>67</sup> Provided by Waging Peace to the Home Office Country of Origin Information Service, between December 2012 and January 2013, available on request

<sup>68</sup> Email from Waging Peace to the Home Office, 27 April 2012, available on request

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.<sup>69</sup>

- 7.1.2 A report from Inigo Gilmore, published in the Guardian on 28 March 2007 referred to Sadiq Adam Osman, a failed asylum seeker who was returned to Sudan in 2007 from the UK.<sup>70</sup> The article explained:

‘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.’<sup>71</sup>

- 7.1.3 A Waging Peace report dated September 2012 referred to returnees who claimed that the authorities held information about their activities in the UK. For example, Mr Badoui Malik Badoui noted that the people who questioned him knew that he had demonstrated in the UK and that they had videos to prove it. Similarly, Mr A, who visited London in 2010, claimed that on

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<sup>69</sup> 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](http://www.ecoi.net/file_upload/918_1164896371_coi-se-budapest200611-sudan-report-revised-version.pdf). Date accessed: 26 June 2015

<sup>70</sup> 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

<sup>71</sup> 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

detention at Khartoum Airport he was shown photographs of himself at a meeting in the UK, and that the authorities questioned him about a meeting at Abrar House in Edgware Road, London. Another testimony by Mr Y reported that shortly after his return to Sudan, he was questioned about a meeting he had attended in the UK Parliament in December 2010.<sup>72</sup>

- 7.1.4 In a Telegraph article dated 9 January 2013, Baroness Kinnock, Vice Chair of the APPG on Sudan and South Sudan<sup>73</sup>, 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.'<sup>74</sup>
- 7.1.5 A more recent Waging Peace report from September 2014 referred to alleged spying by Sudanese officials in the UK. Ms A testified that after she was detained at Khartoum Airport she was shown photos of a meeting she had in London with a friend who was a member of JEM She was also shown a photo of herself at a Sudan Revolutionary Front event in London, which her friend in JEM had also attended.<sup>75</sup>
- 7.1.6 This case was also reported by the Telegraph on 20 October 2014, which referred to a Saira Ahmed (not her real name), who claimed that she was detained at Khartoum Airport and shown pictures of a meeting she had in Starbucks near a shopping centre in Shepherds Bush, London.<sup>76</sup>
- 7.1.7 According to Mr V, a senior member of the Sudanese opposition in the UK, the Sudanese intelligence services increased their monitoring in the UK in recent years:

'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

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<sup>72</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>73</sup> 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

<sup>74</sup> 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

<sup>75</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>76</sup> 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



include senior officers who has been involved in crimes against humanity in Sudan. Their presence has created tensions in our wounded community.

'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 Tunjur 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.'<sup>77</sup>

- 7.1.8 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, Greek, Ethiopia, USA, Iran, Somalia, UK Yemen, Swaziland, Mali, Nigeria, Lebanon, Egypt, Chad and China.<sup>78</sup>
- 7.1.9 A third person interviewed by Waging Peace, Mr X, claimed that he and a friend had been threatened in the UK because of they opposed the Sudanese government. However, the source had no further evidence to substantiate that these threats were linked to the Sudanese authorities.<sup>79</sup>

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<sup>77</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>78</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>79</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

7.1.10 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 liaised 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, in the FCO's travel advice, misreporting the situation in Darfur... The source also indicated that British Embassy staff 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.'<sup>80</sup>

7.1.11 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.'<sup>81</sup> While the letter had no further information about monitoring activities in the UK, it did 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'.<sup>82</sup>

7.1.12 A second letter from the British Embassy, dated 19 February 2015, explained that they 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.'<sup>83</sup> The source noted:

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<sup>80</sup> 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](#)

<sup>81</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>82</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>83</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, [Annex A](#)



'We emphasise that it is extremely difficult for outsiders to know what information the Sudanese intelligence authorities have on the political activities of individuals, as well as how they evaluate available information in relation to the action they take against specific individuals. ...'<sup>87</sup>

7.2.3 In July 2015, the UK asked various countries: 'Do you have any evidence the Sudanese government has the capability to monitor individuals and organisations from the Sudanese diaspora in your country?' Norway's reply noted:

'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.'<sup>88</sup>

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## 8. Treatment on return

### 8.1 'Persons of interest' to the Sudanese authorities

8.1.1 In a report dated 11 November 2013 Landinfo 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.'<sup>89</sup>

8.1.2 The source further noted:

'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

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<sup>87</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

<sup>88</sup> IGC response from Norway, dated 7 July 2015, public disclosure response available on request

<sup>89</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

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.’<sup>90</sup>

8.1.3 Waging Peace, in a report dated September 2014, provided media reports of people who were detained on their return to Sudan. The reports included those of:

- 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. She was reportedly released before 9 September 2014.
- 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.
- Tijany Alhaj Abdu Alrahman, a human rights defender, democracy advocate and writer, in exile in Eritrea, who returned to Sudan on 25 April 2013 and was detained at Khartoum Airport.
- 25 Darfurian students deported from Israel to Sudan<sup>91</sup>

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<sup>90</sup> Landinfo, ‘Sudan: Scope of political activity critical to the regime’, 11 November 2013, para 6.1, translation available on request

<sup>91</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

8.1.4 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.’<sup>92</sup>

8.1.5 The letter explained:

‘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’.<sup>93</sup>

8.1.6 A letter from FCO 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 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 during time overseas including through engagement with opposition groups within the diaspora.’<sup>94</sup>

8.1.7 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.’<sup>95</sup>

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## 8.2 Mistreatment

8.2.1 A report from the Telegraph dated 17 March 2009 noted:

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<sup>92</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>93</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>94</sup> British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, [Annex A](#)

<sup>95</sup> British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, [Annex A](#)

'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."'<sup>96</sup>

- 8.2.2 Waging Peace, in a report dated September 2012, provided testimonies from six people, several of whom claimed to have been mistreated. Four testimonies came from anonymous sources and two were openly sourced, namely from Badaoui Malik Madaoui (a Darfuri failed asylum seeker) and Magdy El Basghdady (a British national).<sup>97</sup>
- 8.2.3 Most of the people in these cases were politically active, had some political profile or had demonstrated publically, including outside Downing Street and the Sudanese Embassy in London. All stated they were from conflict areas, or belonged to known opposition groups. One case was Magdy El Baghdadady, a British national who had political and business interests in Sudan and Egypt and connections with the family of Sadiq Al Mahdi, the former Prime Minister of Sudan and current leader of the opposition Umma Party.<sup>98</sup>
- 8.2.4 One case was a failed asylum seeker to the UK who was forcibly returned; one was an enforced returnee from Germany; and another was an asylum

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<sup>96</sup> 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

<sup>97</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>98</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

seeker who had voluntarily returned to Sudan from Italy. Two people were not asylum seekers.<sup>99</sup>

- 8.2.5 In an article dated 9 January 2013, the Telegraph cited Baroness Kinnock, Vice Chair of the APPG on Sudan and South Sudan<sup>100</sup>, 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].’<sup>101</sup> 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 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.”<sup>102</sup>

- 8.2.6 The article also referred to Badaoui Malik Badaoui, a Dafuri refugee who was arrested at Khartoum Airport in July 2012 to face questions about attending demonstrations at Downing Street and outside the Sudanese Embassy 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.’<sup>103</sup>

- 8.2.7 The Telegraph also referred to ‘Yassir’, an asylum seeking activist in London. According to the 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.’<sup>104</sup>

- 8.2.8 The article quoted an interview with Mr Yassir:

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<sup>99</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>100</sup> 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

<sup>101</sup> 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

<sup>102</sup> 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

<sup>103</sup> 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

<sup>104</sup> 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



“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.’”<sup>105</sup>

- 8.2.9 The Telegraph also quoted Kamal Kambal, a Nuba activist: “We believe there are government spies writhing the Sudanese community...They knew the whole story of that meeting [with Mr Yassir] and used it against Yassir during his arrest.”<sup>106</sup>
- 8.2.10 A Waging Peace report dated September 2014, provided testimonies from those who claimed to have been mistreated, harassed or intimidated on return. Eight of the ten testimonies came from anonymous sources and two were sourced, namely from Afaf Mohammed and Dr Awad Kaballo. Three people claimed they had been mistreated or harassed following their enforced return to Sudan. Two of these were failed asylum seekers from the UK (Mr U and Mr Y) and one was a deportee from France (Mr T).<sup>107</sup>
- 8.2.11 Most people who testified were politically active and included journalists and human rights activists. At least nine people came from conflict areas or belonged to known opposition groups, notably in Darfur, although one person came from the Nuba Mountains. Several accounts referred to NISS surveillance and harassment, including in the UK.<sup>108</sup>

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### 8.3 The case of Magdy el-Baghdady

- 8.3.1 Magdy el-Baghdady is a British national who was detained by the Sudanese authorities between February and May 2011 and reportedly mistreated.<sup>109</sup>
- 8.3.2 An article published by the Guardian in August 2012 reported that el-Baghdady was mistreated by NISS during detention. Officials refused to believe he was British, and suspected that he was linked to opposition ‘pro-democracy movements’.<sup>110</sup> The source explained: ‘... [T]he most serious

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<sup>105</sup> 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

<sup>106</sup> 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

<sup>107</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>108</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>109</sup> Foreign and Commonwealth Office, ‘Human Rights and Democracy Report 2012’, [http://www.ecoi.net/local\\_link/244451/354299\\_en.html](http://www.ecoi.net/local_link/244451/354299_en.html). Date accessed: 26 June 2015

<sup>110</sup> 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>.

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.<sup>111</sup> El Baghdady was detained for about two weeks after arriving in the country from Egypt; he was released without charge in May 2011.<sup>112</sup>

8.3.3 El Baghdady gave an extensive account about conditions in detention, including of his treatment in Kober prison, Khartoum. He 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.’<sup>113</sup>

8.3.4 El-Baghdady noted that Kober prisoners were ‘the most opinionated’. He met Mohamed Nour Khalil, half-brother of the late Ibrahim Khalil (the former leader of JEM), and 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

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Date accessed: 17 June 2015

<sup>111</sup> 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

<sup>112</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>113</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

this was the third time he was held in political remand without charge, and he had been detained for nine months when I arrived.<sup>114</sup>

- 8.3.5 El-Baghdady referred to a number of Darfurians who were treated especially harshly by prison guards and NISS.<sup>115</sup> He explained that people were treated differently because of their ethnicity and political activity:

‘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 [sic] 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.’<sup>116</sup>

- 8.3.6 El-Baghdady also 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

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<sup>114</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf). Date accessed: 26 June 2015

<sup>115</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf). Date accessed: 26 June 2015

<sup>116</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HO_ME.pdf). Date accessed: 26 June 2015

an open prison that has mobile phones circulating around and has a visiting area.’<sup>117</sup>

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## 8.4 Electronic surveillance

8.4.1 Waging Peace reports from 2012 and 2014 included testimonies that the security services looked at electronic and social media to obtain personal information. El-Baghdady noted: ‘[The NISS] checked our phone records and emails, and [which] proved we were precisely what we said we were.’<sup>118</sup> He also 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] ... made a comment about the Facebook problem, “only receive, and never send, that will stop you getting into trouble on Facebook”.’<sup>119</sup>

8.4.2 Ms B, a refugee in the UK who was a journalist from the Nuba Mountains, testified that she had to provide to the authorities in Dilling (South Kordofan) a copy of her passport, her telephone, her email and her family contact details.<sup>120</sup> She 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.’<sup>121</sup>

8.4.3 A Landinfo report dated 11 November 2013 noted: ‘Surveillance “at home” can be carried out without problems and in more forms compared to what is

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<sup>117</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 23 June 2015

<sup>118</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>119</sup> 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](http://www.wagingpeace.info/images/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf). Date accessed: 26 June 2015

<sup>120</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

<sup>121</sup> 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](http://www.wagingpeace.info/images/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf). Date accessed: 26 June 2015

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.' <sup>122</sup>

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<sup>122</sup> Landinfo, 'Sudan: Scope of political activity critical to the regime', 11 November 2013, translation available on request

# 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

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# 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.'

## Background

Al Youm Al Tali is an independent daily newspaper (Committee to Protect Journalists, 'Sudan attempts to silence opposition news coverage', 1 March 2012<sup>124</sup> and Reuters UK, 'Sudan state security bans second newspaper in a month', 17 March 2013<sup>125</sup>) It has had print editions confiscated on several occasions by the National Intelligence and Security Services, for example in March 2012<sup>126</sup> July 2013<sup>127</sup> and September 2014<sup>128</sup>.

For information on the aforementioned UK NGOs, see:

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

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<sup>123</sup> 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

<sup>124</sup> 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

<sup>125</sup> 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

<sup>126</sup> 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

<sup>127</sup> 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

<sup>128</sup> 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:

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## Changes from last version of this guidance

Updated to reflect the Country Guidance case of [IM and AI \(Risks – membership of Beja Tribe, Beja Congress and JEM\) Sudan CG \[2016\] UKUT 188 \(IAC\) \(14 April 2016\)](#).

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