



Home Office

# Country Policy and Information Note

## Sudan: Rejected asylum seekers

Version 3.0

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# Preface

This note provides country of origin information (COI) and policy 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 policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, 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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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

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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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# Policy guidance

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## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state because the person has unsuccessfully claimed asylum in the UK.

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## 2. Consideration of Issues

### 2.1 Credibility

- 2.1.1 For further guidance 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 application for a UK visa or another form of 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 Particular social group

- 2.2.1 Rejected asylum seekers returned to Sudan do not form a particular social group (PSG) simply by virtue of having made an unsuccessful asylum claim in the UK. This is because they do not share a common characteristic that cannot be changed and do not have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 For guidance on assessing membership of a particular social group, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.3 Assessment of risk

- 2.3.1 In the country guidance case of [IM and AI \(Risks – membership of Beja Tribe, Beja Congress and JEM\) Sudan CG \[2016\] UKUT 188 \(IAC\) \(14 April 2016\)](#), heard on 28 and 29 July, and 4 November 2015, the Upper Tribunal (UT) gave general guidance on the position of returned rejected asylum seekers. It found that there was no risk of persecution for rejected asylum seekers per se (paras 216 to 226).
- 2.3.2 The UT found that: ‘In HGMO (Relocation to Khartoum) [[HGMO \(Relocation to Khartoum\) Sudan CG \[2006\] UKAIT 00062](#) (03 August 2006)], the Tribunal concluded that neither involuntary returnees nor failed asylum seekers... were as such at real risk on return to Khartoum... [and] it was not argued before [this] Tribunal that involuntary returnees would be at risk for

that reason alone...Had this been a general practice, the information would have filtered out' (paras 220 and 222).

- 2.3.3 The UT in [IM and AI](#) also found that '[i]t is our firm conclusion 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 [National Intelligence and Security Service] NISS on that basis alone.' (para 225)
- 2.3.4 Evidence available since the hearing and promulgation of [IM and AI](#) in 2015 and 2016 respectively, when taken in the round, does not establish that rejected asylum seekers per se are at risk of harm on return (see [Treatment of returnees](#)).
- 2.3.5 The state may, however, take an adverse interest in a person returning to Sudan who is known or is suspected to have a political profile and / or are linked to activities that are perceived to be critical of the government (see [Persons of interest](#) and the country policy and information note on [Sudan: Opposition to the government](#)).
- 2.3.6 For further guidance on assessing risk generally, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

- 2.4.1 As the person fears persecution or serious harm from the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 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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## 2.5 Internal relocation

- 2.5.1 As the person fears persecution or serious harm from the state, internal relocation will not be reasonable.
- 2.5.2 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

- 2.6.1 Where a claim based solely on returning as a rejected asylum seeker is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further information on certification, see the [Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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### **3. Policy summary**

- 3.1.1 Rejected asylum seekers returned to Sudan do not form a particular social group.
- 3.1.2 Nor are they not at risk of persecution on return to Sudan for simply having unsuccessfully claimed asylum in the UK.
- 3.1.3 Claims made on this basis are likely to be certifiable as clearly unfounded.

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## 4. Returns statistics

- 4.1.1 Published immigration statistics show the number of forced and voluntary returns of Sudanese nationals who had claimed asylum in the UK. A total of 186 Sudanese nationals returned to Sudan between 2004 and March 2017: 143 were enforced removals; 10 rejected asylum seekers returned voluntarily between April 2016 and March 2017<sup>1</sup>.

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## 5. Exit / entry procedures

### 5.1 Exit

- 5.1.1 The US State Department observed in its human rights report for 2016 that: 'The government requires citizens to obtain an exit visa if they wish to depart the country. Issuance was usually without complication, but the government continued to use the visa requirement to restrict some citizens' travel, especially persons of political or security interest. To obtain an exit visa, children must receive the permission of both parents.'<sup>2</sup>

- 5.1.2 A Canadian Immigration and Refugee Board information response of 18 July 2016 citing various sources noted:

'In correspondence with the Research Directorate, a lawyer based in Khartoum provided excerpts of The Passport and Immigration Act 1994, which state the following information on exit procedures:

'12. (1) Every person, who departs from the Sudan, shall have a valid exit visa...

(3) Exit visa shall not be granted to:

- an alien, who holds special, or temporary residence permit, and is accused of an offence, or indebted, to any person, with an amount of money;
- a Sudanese accused of an offence;
- a Sudanese, who is convicted, more than once, of the offence of smuggling;
- a Sudanese, against whom there is reasonable suspicion that he practices an activity hostile to the Sudan, or defamatory thereof, by any of by any of the acts;

<sup>1</sup> Home Office, 'Immigration statistics', Returns, volume 5, Table rt 05q, 25 May 2017 <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/list-of-tables>. Accessed: 28 July 2017

<sup>2</sup> US State Department, 'Country Report on Human Rights Practices for 2016', Sudan, section 2c, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265306>. Accessed: 29 March 2017

- a Sudanese, who cannot pay the costs of his journey, to the place he intends to go to, and the cost of his stay therein, and return to the Sudan;
- a child who does not attain 18 years of age, save upon the approval of his guardian. (Sudan 1994).

‘...Sources cite an official from the Ministry of Foreign Affairs, whose daughter left the country without an exit stamp, which that official stated is required for Sudanese citizens to leave the country (APA 30 June 2015; Radio Dabanga 31 Aug. 2015).’<sup>3</sup>

#### 5.1.3 The same information response, citing various sources, also reported:

‘Without providing further information, the lawyer explained that, as per the government of Sudan’s website about passports ([www.passport.gov.sd](http://www.passport.gov.sd)), which is available only in Arabic, the required documents for an exit visa are:

- ‘A valid passport;
- ‘Travel Card/performing national service Card for individuals that have not completed their national service;
- ‘Entry visa for their final destination;
- ‘The consent of Guardian as to an infant who has not attained the age of 18 when he/she travel with his/her mother, save in case of residence with the husband;
- ‘Vacation Certificate for employees whether in public or private sector;
- ‘In case of travel for an official mission, the approval of Cabinet is required. In [the] case [of] traveling to Syria, the approval of International Police is required. Regarding traveling to Libya there should be Good conduct Certificate [and] Traveling ticket.
- ‘A copy of passport (page 1 and 2 [and] entering visa).
- A copy of all documents above shall be enclosed with the valid Passport. (Lawyer 12 July 2016)

‘The lawyer described the following procedures and requirements in order to obtain an exit visa:

‘The Passport and Immigration Act, 1994 does not state the procedures that should be followed in order to exit Sudan, and this has been left to the directions and regulations which [are] issued from time to time by competent authority. (ibid.)

‘The Article 1 and Waging Peace joint report on the monitoring of nationals exiting Sudan indicates that “[t]ravellers can obtain an exit visa from the

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<sup>3</sup> Canadian Immigration and Refugee Board, ‘Sudan: Procedures and requirements to obtain exit permits for Sudanese nationals to leave the country; information on entry and exit screening at Khartoum International Airport; reports of persons wanted or being sought by the authorities being stopped at the airport by security services (2014-July 2016)’. 18 July 2016, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456605>. Accessed 28 July 2017.

Ministry of Interior's main office in Khartoum or the transit office at Khartoum International airport" (Article 1 and Waging Peace Sept. 2014, 5).<sup>4</sup>

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## 5.2 Entry

### 5.2.1 A letter from the British Embassy dated 19 February 2015 clarified the returns procedures for rejected asylum seekers:

'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.'<sup>5</sup>

### 5.2.2 The Australian Department of Foreign Affairs and Trade Sudan Country Information Report, April 2016, noted:

'The [National Intelligence and Security Service] NISS has a significant presence at Khartoum International Airport and reviews the documentation of all individuals exiting or entering Sudan.

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<sup>4</sup> Canadian Immigration and Refugee Board, 'Sudan: Procedures and requirements to obtain exit permits for Sudanese nationals to leave the country; information on entry and exit screening at Khartoum International Airport; reports of persons wanted or being sought by the authorities being stopped at the airport by security services (2014-July 2016)'. 18 July 2016, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456605>. Accessed 28 July 2017.

<sup>5</sup> British Embassy in Khartoum, Deputy Head of Mission, Letter, 19 February 2015, [Annex C](#)

‘Individuals are required to obtain an ‘Exit Visa’ in order to leave the country. This requirement has been used to restrict the travel of some high-profile individuals, especially those who were of political or security interest. DFAT understands that if a failed asylum seeker who did not obtain an Exit Visa prior to leaving Sudan was to be returned, they would likely be questioned by the NISS. If an individual was of interest to the Government they would likely be questioned by the NISS in detail, including potentially being taken to NISS Headquarters for further questioning.

‘Overall, DFAT assesses that an individual would come to the attention of the authorities if they did not leave Sudan with a valid ‘Exit Visa’ or were of specific interest to the authorities. Given the porous borders and significant overland movement between Sudan and surrounding countries, DFAT assesses that an individual would be able to leave Sudan without a valid ‘Exit Visa’.’<sup>6</sup>

5.2.3 The UK-DIS Fact Finding Mission report of August 2016, based on a range of sources interviewed in Kenya, Sudan and Uganda in February and March 2016, noted

‘Western Embassy (C) noted that at Khartoum International Airport (KIA) there was an immigration desk where arriving passengers should have their travel documents checked, including exit visas. However, the Khartoum based human rights organisation advised that the authorities did not generally check for exit stamps on arrival.

‘Western Embassy (B) noted that it was improbable that a person would leave or come back to Sudan with a Sudanese passport with no exit stamp in it, and stated that a person would spend the time and money to obtain an exit stamp, otherwise he would not be able to leave the country via the legal borders.

‘EAC considered that lack of exit stamp in one’s passport would entail financial punishment, e.g. paying fines. Khartoum based Journalist (3) advised that a person without an exit visa would be accused of breaching current passport regulations, which under the Passports and Immigration Law of 1994 was punishable with a fine or up to six months in prison, or both.’<sup>7</sup>

5.2.4 The same report noted:

‘A number of sources confirmed that in their view long-term residence abroad would not in itself be a risk factor. Some sources additionally observed that there were established Sudanese diaspora communities living overseas.

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<sup>6</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT), ‘DFAT Country Information Report - Sudan’ (p26), 27 April 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-libya.pdf>. Accessed 28 July 2017.

<sup>7</sup> UK-Home Office – Danish Immigration Service (UKHO-DIS), ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 2.3) August 2016, <https://www.gov.uk/government/publications/sudan-country-information-and-guidance>. Accessed: 28 July 2017

'NHRMO considered that those from Darfur or the Two Areas, who had been outside Sudan for a considerable period, would be questioned extensively about their political activities and risked detention if they were suspected of activities against the government...

'Several sources noted that in their view travel using emergency travel documents would not in itself be a risk factor.

'Information provided by interlocutors indicated that NISS officer at the security desk at Khartoum International Airport (KIA) may question returnees about their individual circumstances; EAC, IOM and ACPJS more specifically indicated that those travelling on irregular travel documents may be subject to further questioning on arrival. EAC further advised that family members may be required to provide evidence to verify the identity of returnees without Sudanese documents.

'The two human rights lawyers from Khartoum noted that some of the deportees from Israel were returned on emergency travel documents.'<sup>8</sup>

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## 6. Treatment of returnees

### 6.1 On arrival

6.1.1 A letter from the British Embassy in Khartoum dated 8 April 2013 stated that the Embassy had '... 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 have no knowledge of returned failed asylum seekers being mistreated by the Sudanese security agencies.'<sup>9</sup>

6.1.2 Similarly a later letter from the same Embassy dated 19 February 2015 noted: '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.'<sup>10</sup> Although the letter further clarified: '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.'<sup>11</sup> The letter also noted: '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.'<sup>12</sup>

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<sup>8</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (sections 2.4 and 2.5), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

<sup>9</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>10</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, [Annex C](#)

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

<sup>12</sup> British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015. [Annex C](#)

6.1.3 The DFAT reported observed that:

‘DFAT is not aware of any evidence that suggests an asylum seeker returning to Sudan would be distinguishable to the broader community or susceptible to any form of discrimination or violence, unless they presented a threat to the Government. In reality, this is likely to affect vocal opponents of the Government.

‘DFAT understands that the main issue facing returnees is the perceived lack of financial support provided for effective reintegration into Sudanese society, particularly in Khartoum.’<sup>13</sup>

6.1.4 The UK-DIS Fact Finding Mission report of August 2016, based on a range of sources interviewed in Kenya, Sudan and Uganda in February and March 2016, stated: ‘Several sources noted that there were established Sudanese diaspora communities overseas. Most sources did not consider that in general travelling from overseas countries would result in a person being targeted or detained on arrival.’<sup>14</sup>

6.1.5 The same report noted:

‘A number of sources stated that they had no information to indicate that failed asylum seekers / returnees from Darfur or the Two Areas would generally experience difficulties on return to Khartoum International Airport (KIA), or they did not consider that claiming asylum overseas would put such a person at risk per se. Western Embassy (C) noted that they had monitored the forced return of two persons from Europe in 2015 and had no reason to believe that they experienced any difficulties or mistreatment, although the source acknowledged that they were not present throughout the arrival procedure. The diplomatic source mentioned that they had experience of a very few rejected asylum seekers being deported from Switzerland and Norway. According to the source it was unclear whether these returnees could get support upon return to Sudan. However the source added that those sent back from Norway had not faced any problems upon return

‘Some sources noted:

- a lack of coordination in the return operations from departing countries to inform those concerned when precisely returnees would arrive at [Khartoum International Airport] KIA
- a general absence of independent organisations at KIA, including UNHCR, when forcibly returned persons arrived in Sudan, although IOM was present for voluntary returns
- a limited number of enforced returns from Europe

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<sup>13</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT), ‘DFAT Country Information Report - Sudan’ (p26), 27 April 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-libya.pdf>. Accessed 28 July 2017.

<sup>14</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (sections 2.8), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

[European and African Centre] EAC advised that at the security desk, officers asked a range of questions of failed asylum seekers returning to Sudan (for instance about how long they had stayed abroad; why they did not have a passport; or political affiliations and acquaintances abroad). [The African Centre for Justice and Peace Studies] ACPJS remarked that persons returning without travel documents or under escort would be subject to questioning.

‘Several sources noted that Israel and Jordan had deported a number of Sudanese nationals, including persons who had claimed asylum. Sources mentioned that the most recent incident was in December 2015 and involved the large-scale deportation of Sudanese nationals from Jordan, with some sources indicating the number of persons deported was over 1,000 persons.

‘Some sources noted that deportees from Israel and some of the deportees from Jordan were arrested on arrival and detained, some may have experienced prolonged detention or physical mistreatment and/or were placed on reporting arrangements or travel restrictions. Other sources noted that returnees from Jordan had been processed smoothly. There is however lack of detailed, accurate information regarding these events, including information on whether these deportees have been de facto refugees.

‘UNHCR was not able to verify whether any of the returnees had been detained. However, the source stated that if a person had a high political profile, one could not rule out the possibility that he could face difficulties with the authorities. Information from some other sources about the deportation of Sudanese nationals from Jordan and Israel also indicated that those returnees who were held in prolonged detention may have been detained because of their political profile.

‘Some sources highlighted that those returning from Israel were more at risk of being subjected to thorough questioning and/or arrested upon return than those returned from other countries.’<sup>15</sup>

- 6.1.6 The USSD human rights report for 2015, released in April 2016, observed ‘There were at least two reports of Sudanese citizens residing abroad being deported from their country of residence at the request of the Sudanese government. In December [2015] the Jordanian government forcibly deported 800 Sudanese asylum seekers to Khartoum. The majority of deportees were from Darfur. By year’s end [2015] there had been no reports of torture or further violence against deportees.’<sup>16</sup>
- 6.1.7 The same source in its report for 2016 released in March 2017 made no reference to the 800 Sudanese asylum seekers referred above.<sup>17</sup>

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<sup>15</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (sections 2.2), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

<sup>16</sup> USSD, ‘Country Reports on Human Rights Practices for 2015’, Sudan (section 1d), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>. Accessed: 9 February 2017

<sup>17</sup> USSD, ‘Country Report on Human Rights Practices for 2016’, Sudan, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265306>. Accessed:

- 6.1.8 In September 2016, the British Embassy in Khartoum observed that ‘As reported in our letter of February 2015, it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.’<sup>18</sup>
- 6.1.9 See subsection Persons of interest / allegations of difficulties on return below for reports of allegations of individuals amongst the 800 Sudanese returned in December 2015 who were reportedly ill-treated on arrival.

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## 6.2 Persons of interest / allegations of difficulties on return

- 6.2.1 For information on the treatment of persons who, or are perceived to be, are critical of the state see country policy and information note, [Opposition to the government](#).
- 6.2.2 In their 2012<sup>19</sup> and 2014<sup>20</sup> reports, the UK NGO Waging Peace published testimonies of failed asylum seekers who claimed they had been harassed and mistreated on return to Khartoum.
- 6.2.3 The 2012 report included the testimonies of 6 men, 3 of whom - Mr M, Mr A and Mr Badaoui Malik Badaoui – who were rejected asylum seekers who had been returned to Sudan. (Both Mr and Mr A had then left Sudan and travelled to the UK. Mr M’s asylum claim was outstanding and Mr A had been refused asylum for a second time at the time they were interviewed by Waging Peace). The others – Mr Y (entered the UK on a student visa), Mr X (had been granted asylum, but returned to Sudan as a British citizen) and Mr El Baghdady (a British citizen) – did not return to Sudan as rejected asylum seekers<sup>21</sup>. Of the 3 rejected asylum seekers, all claimed they were from conflict areas and/or affiliated to opposition or rebel groups.<sup>22</sup> Mr A and Mr Badaoui suggested that Sudanese authorities negatively viewed the act of claiming asylum.<sup>23</sup>

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<sup>18</sup> British Embassy, Khartoum, Ambassador, 29 September 2016, [Annex A](#)

<sup>19</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). Accessed 26 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’, 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). Accessed 26 June 2015

<sup>21</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). Accessed: 6 February 2017

<sup>22</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). Accessed: 6 February 2017

<sup>23</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). Accessed: 6 February 2017

- Mr M is a Darfuri who sought asylum in the UK but was refused and returned in July 2004. He was questioned at the airport about his activities in the UK and that he had sought protection in the UK. He was subsequently detained in a 'ghost house' and Kober prison, and periodically questioned about the activities of Darfuri groups. It is unclear if he undertook in political activities in the UK, although he was a member of a Darfuri political group and after his release from detention in Sudan engaged in political activities.<sup>24</sup>
- Mr Badaoui is a Darfuri, from Darfur, who claimed asylum in Italy and then in the UK. He was returned to Italy from the UK, then voluntarily returned to Sudan in July 2011. He was detained on arrival in Sudan and questioned about his activities in the UK, including attending demonstrations about Darfur.<sup>25</sup>
- Mr A is a Beja from Eastern Sudan. He claimed asylum in Germany, was refused and returned to Sudan in July 2009. He left Sudan again, travelled to the UK legally. He then voluntarily returned to Sudan where he was arrested and questioned about his activities in the UK. While in London Mr A had attended meetings at which representatives of Sudan opposition groups were present.<sup>26</sup>
- Mr Y was studying for PhD in the UK. He took part in events / demonstrations in the UK against the Sudanese government. He returned voluntarily to Sudan January 2011 but was subsequently questioned, arrested and detained about his activities in the UK.<sup>27</sup>
- Mr X is a Darfuri who sought asylum in the UK in 2004 and was recognised as a refugee. He subsequently obtained British citizenship and travelled to Sudan on tourist visa using his British passport. He was questioned by NISS on several occasions on his return.<sup>28</sup>
- Mr el Baghdady, a British national, was arrested and detained shortly after his arrival in Sudan. He was friends with members of the family of

<sup>24</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex A, 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). Accessed: 6 February 2017

<sup>25</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex B, 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). Accessed: 6 February 2017

<sup>26</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex C, 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). Accessed: 6 February 2017

<sup>27</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex D, 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). Accessed: 6 February 2017

<sup>28</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex E, 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). Accessed: 6 February 2017

Sadiq al Mahdi, leader of the opposition Umma Party and a former prime minister of Sudan.<sup>29</sup>

- 6.2.4 Mr el-Baghdady's case was reported on by the FCO, noting that he was detained by the Sudanese authorities between February and May 2011 and reportedly mistreated.<sup>30</sup> Additionally, 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>31</sup>
- 6.2.5 The Guardian further reported '... the most serious accusation was that Baghdady had links to the pro-democracy movements that have been sweeping across the region and intended to take the Arab spring to Sudan. In mid-February 2011, when he was arrested, events in neighbouring Egypt had already put Omar al-Bashir's regime on alert and in a state of paranoia about foreigners in the country.'<sup>32</sup> Mr El Baghdady was detained for about two weeks after arriving in Sudan from Egypt; he was released without charge in May 2011.<sup>33</sup>
- 6.2.6 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 for the 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.

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<sup>29</sup> Waging Peace, 'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', Annex F, 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). Accessed: 6 February 2017

<sup>30</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). Accessed: 26 June 2015

<sup>31</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>. Accessed: 17 June 2015

<sup>32</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>. Accessed: 17 June 2015

<sup>33</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). Accessed: 26 June 2015

- 25 Darfurian students deported from Israel to Sudan (see subsection on returns from Israel below)<sup>34</sup>.
- 6.2.7 The same Waging Peace report included testimonies from those who claimed to have been mistreated, harassed or intimidated on return. Eight of the ten testimonies came from anonymous sources, 2 were identified, namely from Afaf Mohammed and Dr Awad Kabbalo. Three people claimed they had been mistreated or harassed following their enforced return to Sudan. Two of these were rejected asylum seekers from the UK (Mr U and Mr Y) and one was a deportee from France (Mr T). 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>35</sup>
- 6.2.8 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>36</sup>
- 6.2.9 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>37</sup>.
- 6.2.10 A letter from FCO dated 19 February 2015 acknowledged that returnees ‘can be subject to further questioning by [the] 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

<sup>34</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). Accessed: 26 June 2015

<sup>35</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). Accessed: 26 June 2015

<sup>36</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

<sup>37</sup> British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, [Annex B](#)

overseas including through engagement with opposition groups within the diaspora.’<sup>38</sup>

6.2.11 Commenting on the likelihood of mistreatment by NISS, the same letter acknowledged that ‘... such detentions are an extremely common occurrence’. The FCO further observed 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>39</sup>

6.2.12 The UK-DIS FFM report, based on interviews with a range of sources in Kenya, Sudan and Uganda, noted:

‘Several sources noted that those returnees who had a political profile may be thoroughly questioned and/or arrested at KIA.

‘For example, ACPJS was aware of cases in which political activists had been detained both when attempting to leave and on return to Sudan, mentioning the example of a lawyer and a political activist who were detained on return; [the Darfur Bar Association] DBA (Kampala) considered that activists from Darfur and the Two Areas would be at the greatest risk at Khartoum airport (KIA); the two human rights lawyers from Khartoum cited examples in which political activists had been detained at the airport and explained that treatment on arrival depended on a person’s political opposition activities and their affiliation with rebel groups; [the National Human Rights Monitors Organisation] NHRMO referring to their own human rights monitoring work, considered that it would not be safe for NHRMO staff to visit Khartoum and referred to a specific case of detention at the airport involving a Nuba person who was detained for alleged political activity.

‘Two sources in Kampala noted that security protocols were often adopted when activists travelled into and out of Sudan, to avoid their country of departure being detected by the NISS...

‘Some sources indicated that persons, who had a political profile from Darfur and the Two Areas, may be prevented from obtaining an exit stamp and leaving Sudan or replacing their passport from overseas missions.

‘Two sources observed that persons from Darfur and the Two Areas who held a political profile may not always be detained or targeted on arrival. Ahmed Eltoum Salim (EAC), referring both to his own experiences and other persons he knew, noted that high profile persons, including political activists who had been granted asylum abroad, had returned to Sudan and were now working with the government. The Khartoum based human rights organisation also noted that the authorities did not arrest returnees who had a political profile to the same extent as was the case before 2005 when signing of the Comprehensive Peace Agreement led to the return of many Sudanese opposition groups.

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<sup>38</sup> British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, [Annex C](#)

<sup>39</sup> British Embassy Khartoum, Foreign and Commonwealth Office, Deputy Head of Mission, ‘Treatment of Returnees in Sudan’, 19 February 2015, [Annex C](#)

‘Referring to the detention of political persons at Khartoum International Airport (KIA), Ahmed Eltoum Salim (EAC), the Khartoum based human rights organisation and the two human rights lawyers from Khartoum indicated that the behaviour of the NISS at the airport was slightly improved and that the detention of political persons on arrival was less common now.

‘The two human rights lawyers from Khartoum noted that it was less likely now for persons to be arrested at the airport for political reasons, although sometimes this happened. The source explained that at the security desk it is now more common to obtain information about a person and for them to be picked up later if they are deemed of interest.’<sup>40</sup>

6.2.13 A Canadian Immigration and Refugee Board information response of 18 July 2016 citing various sources noted:

‘In a 2015 briefing, the Federal Office for Migration and Refugees of Germany reports the following incidents:

”Returning from a meeting of Sudanese opposition members in Paris, the head of the Sudanese National Alliance Party (SNAP), who is at the same time a leading figure of the opposition alliance National Consensus Forces (NCF), was arrested by agents of the Sudanese National Security Services (NISS) at Khartoum airport. Already before, the Sudanese security service had seized the passports of five leading opposition members, namely three members of the Sudanese Communist Party (SCP), the head of the Sudanese Congress Party (SCP) and the leader of the Unified National Unionist Party (UNUP). Apart from those groups, also delegates from the National Umma Party (NUP), the Sudanese Revolutionary Front (SRF) and the Civil Society Initiative (CSI) had participated in the four-days meeting in Paris organized by Sudan Call, an umbrella organisation of opposition parties established in December 2014. A NCF spokesman expressed concern that more opposition members would be arrested in the future. (Germany 16 Nov. 2015)”

‘[USSD] Country Reports 2015 similarly reports that in November 2015, “authorities temporarily detained and confiscated the passports of Sudanese National Alliance Party Chair, Kamal Ismail, and Deputy Chair of the National Umma Party, Mariam al-Sadiq al-Mahadi, upon their return from talks in Paris” (US 13 Apr. 2016, 49-50).’<sup>41</sup>

6.2.14 Waging Peace reported in a note of January 2017 on the treatment of 5 Sudanese nationals returned to Sudan in 2015 and during 2016 - 2 from Jordan, 1 from Israel and 3 Italy (although the note does not identify 3

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<sup>40</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (sections 2.6), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

<sup>41</sup> Canadian Immigration and Refugee Board, ‘Sudan: Procedures and requirements to obtain exit permits for Sudanese nationals to leave the country; information on entry and exit screening at Khartoum International Airport; reports of persons wanted or being sought by the authorities being stopped at the airport by security services (2014-July 2016)’. 18 July 2016, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456605>. Accessed 28 July 2017.

people specifically) respectively - based on testimonies from the returnees or third parties. The individuals returned from Italy were reportedly part of a group of 40 Sudanese who were removed in August 2016. Waging Peace claimed that although the Italian authorities stated that the returnees were rejected asylum seekers, some may not have been.

6.2.15 The note observed that:

‘The testimonies and reporting below refer to recent cases where individuals were ill-treated, tortured and even killed post-deportation, and demonstrate the risks facing those forcibly returned to Sudan having claimed asylum elsewhere, particularly, but not limited to, those individuals who engaged in sur place political activity in the country hosting their asylum claim. In total 5 individuals are mentioned in this report, but the absence of further testimony is only due to restricted access to the affected populations, and we are told a great many more could support the claims made in these accounts.’<sup>42</sup>

6.2.16 The cases documented by Waging Peace included:

- Mr Ali Yahya ‘deported’ from Jordan despite having been recognised as a refugee by the UNHCR:

‘The Jordanians deported Ali along with 800 other Sudanese asylum seekers. When he arrived at Khartoum International Airport he was arrested for 6 days and then released. A day after his release, he was arrested again for sixteen days. Ali claims he was beaten and “abused by the Sudanese government” who “violated” his rights. He was questioned about what he had said to the media and was also asked about his involvement with a Christian group who had helped him during his time in Jordan. As a Muslim, it was perceived as unacceptable for him to spend time with Christians.’

- Mr Abdalmonim Adam Omer, reportedly a Tunjur from Darfur who had been recognised as a refugee by the UNHCR in Jordan. Mr Omer

‘On arrival in Sudan following his deportation, he was arrested by the government and detained for 3 days. During these 3 days, he was interrogated and beaten. He was asked why he had left Sudan for Jordan and told he had been presenting Sudan “in a bad way”. He was also interrogated about some people he had been associated with in Jordan and some that he had been to church with, as the Sudanese government were looking for them. He was also asked about his tribal affiliation.’

- Returnees from Italy:

‘In August 2016, this [memorandum of understanding between Italy and Sudan] agreement led to the deportation of 48 Sudanese from Italy to Khartoum, as reported in the Daily Express, though it in fact seems that the initial flight held 40 passengers, and the remainder were transported separately. While Italy has claimed that those individuals being deported were failed asylum seekers, testimonies we have seen... show some

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<sup>42</sup> Waging Peace, Recent cases of post-deportation risk, January 2017. Copy on request

individuals did not first claim asylum, and were deported without being told that this was what would occur...

'On arrival, the individuals were held briefly by NISS, and though some reported that they had been tortured, we have not had access to original testimony that can verify this. However, human rights monitoring group Huqooq provides the testimony of a gentleman nicknamed Barakat in a report dated 1-31 August 2016, also accessible online. Barakat claims he was beaten by NISS during the period the group was detained and has since gone into hiding. Other testimonies seen by our organisation also suggest that the deportees now live in fear for their physical security, as well as that of their families, and that they believe they are being monitored by NISS, including on their mobile phones.'<sup>43</sup>

6.2.17 With regard to the Waging Peace's reference to the returnees from Italy, aside from the single account of Barakat the individuals are not identified, it is not clear what the status of the individuals returnees was in Italy, how many reported having difficulties and the exact nature of these difficulties. Waging Peace also acknowledge that they are unable to verify the testimonies.

6.2.18 The USSD report for 2016 noted:

'The government observed the law prohibiting forced exile. It warned political opponents of their potential arrest, however, if they returned. Opposition leaders and NGO activists remained in self-imposed exile in northern Africa and Europe; other activists fled the country during the year [2016]. In September 2015 a presidential decree granted general amnesty for opposition members and rebel leaders living abroad who agreed to return to Sudan to participate in the national dialogue. As of year's end, prominent opposition members had not returned to the country under the amnesty, some expressing concern about their civic and political rights even with the amnesty...'<sup>44</sup>

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## 6.3 Returns from Israel

6.3.1 Reporting on the arrest of returnees to Sudan from Israel, including individuals originating from Darfur, a September 2014 Human Rights Watch report noted that 'Sudanese law makes it a crime, punishable by up to ten years in prison, for Sudanese citizens to visit Israel'.<sup>45</sup>

6.3.2 The same source reported:

'Some Sudanese who returned to Sudan [from Israel claimed to] have faced persecution. One Sudanese returnee told Human Rights Watch security

<sup>43</sup> Waging Peace, Recent cases of post-deportation risk, January 2017. Copy on request

<sup>44</sup> USSD, 'Country Report on Human Rights Practices for 2016', Sudan (section 2c), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265306>. Accessed: 29 March 2017

<sup>45</sup> Human Rights Watch, "Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel, 9 September 2014, The Fate of Eritreans and Sudanese Returning Home p 4, <https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers>. Accessed: 9 February 2017

officials interrogated and tortured him on his return to Sudan about his membership in Darfuri opposition groups while two others said they were interrogated and held for weeks at times in solitary confinement. One man was charged with treason for traveling to Israel and one returnee's relative said his brother disappeared on return to Khartoum. Four others said they were interrogated and then released. [...]<sup>46</sup>

- 6.3.3 The report also referred to an interview with 2 other Darfuri men returned from Israel were questioned about their allegedly political activities in Israel and / or in Darfur. One of men was detained for 8 weeks, before being released on bail but was banned from travelling and had his passport confiscated.<sup>47</sup>
- 6.3.4 The UK-DIS FFM report noted: 'Some sources highlighted that those returning from Israel were more at risk of being subjected to thorough questioning and/or arrested upon return than those returned from other countries.'<sup>48</sup>
- 6.3.5 The same report stated:  
'Western Embassy (C) and [European and African Centre] EAC remarked that whilst it would not be a problem travelling from Western countries, travel from Israel could be an issue. Western Embassy (C) assumed that returnees from Israel could be at risk of harsh treatment, while EAC observed that the government was more suspicious of returnees from Israel as they were afraid that some of the returnees may have been recruited as spies. EAC was aware of 3 returnees from Israel who been subject to a thorough interrogation on arrival.'<sup>49</sup>
- 6.3.6 The Waging Peace note of January 2017 refers to reports by Alhamish online and the Justice Equality Movement of the death of Mohamed Ahmed Ali who voluntarily returned from Israel to Sudan in November 2016, and was arrested by NISS shortly after his arrival.<sup>50</sup> The reasons or full circumstances of the incident are, however, not clear.

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<sup>46</sup> Human Rights Watch, "Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel, 9 September 2014, The Fate of Eritreans and Sudanese Returning Home' (p42-46), <https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers>. Accessed: 15 September 2016

<sup>47</sup> Human Rights Watch, "Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel, 9 September 2014, The Fate of Eritreans and Sudanese Returning Home' (p42-46), <https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers>. Accessed: 15 September 2016

<sup>48</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (sections 2.2), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

<sup>49</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (sections 2.8), August 2016, <https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes>. Accessed on 28 July 2017

<sup>50</sup> Waging Peace, Recent cases of post-deportation risk, January 2017. Copy on request

## Annex A: Letter from British Embassy, Khartoum, 29 September 2016

British Embassy Khartoum

Mr Michael Aron  
HM Ambassador  
British Embassy  
Off Sharia Al-Baladiya  
P.O. Box 801  
Khartoum  
Sudan  
Tel: +[deleted]  
Fax: +[deleted]  
[www.gov.uk/fco](http://www.gov.uk/fco)

Country Policy and Information Team  
Home Office

29 September 2016

Dear Country Policy and Information Team,

### NON-ARAB DARFURIS IN SUDAN

This letter aims to provide an assessment of the situation facing non-Arab Darfuris in Sudan, and whether they face persecution.

The British Embassy is in regular contact with Darfuri groups from civil society, government and political parties. In the course of these contacts, no substantial concerns have been raised over the treatment of non-Arab Darfuris settled in regions outside of Darfur that we would consider ethnic persecution, although many face economic marginalisation having been displaced due to conflict. We are also not aware of reports of systematic targeting of Darfuris from United Nations agencies or other embassies with whom we are in contact.

As found in the UK Home Office-Danish Immigration Service FFM report, we do receive reports of discrimination in education and employment. We also receive reports of harassment of individuals or groups perceived to have an anti-government political stance, such as Darfuri student associations. But these issues are not overriding for Darfuris as opposed to other ethnicities. Any individual with a perceived anti-government stance can face harassment. And many Darfuris (including non-Arab) are represented at senior levels in Government, academia, the security forces, the media and in other institutions.

As reported in our letter of February 2015, it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.

Michael Aron

[Signature]

Her Majesty's Ambassador  
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

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## Annex C: 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,

Deputy Head of Mission and Consul General  
British Embassy, Khartoum

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# Version control and contacts

## Contacts

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

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

## Clearance

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

- version **3.0**
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## Changes from last version of this note

Updated to in light of recommendations made by the IAGCI review of the previous iteration and with recent country information.

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