Home Office

Country Policy and Information Note
Sudan: Return of unsuccessful asylum seekers

Version 4.0

July 2018

Preface

Purpose

This note provides country of origin information (COI), country analysis and general guidance for Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify granting asylum, humanitarian protection or discretionary leave, and whether – if a claim is refused – it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

The note is not intended to an exhaustive survey of a particular subject or theme, rather it covers aspects relevant for the processing of asylum and human rights claims.

Country analysis

Country analysis involves breaking down evidence – i.e. the COI contained in this note; refugee / human rights laws and policies; and applicable caselaw – relevant to a particular claim type into its material parts, describing these and their interrelationships, summarising this and providing an assessment whether, **in general,** claimants are likely to**:**

- to face a risk of persecution or serious harm
- is able to obtain protection from the state (or quasi state bodies) and / or
- is reasonably able to relocate within a country or territory

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to claim-type of this note.

All information is from generally reliable and publicly accessible sources or is information that can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is 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, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced with a brief footnote, with full details of all sources cited and consulted in compiling the note listed alphabetically in the bibliography.

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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

Country analysis

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.

Back to Contents

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).

Back to Contents

2.2 Refugee Convention

2.2.1 Rejected asylum seekers returned to Sudan do not, for this reason alone, establish a convention reason on the grounds imputed or actual political opinion, race, religion or nationality.

2.2.2 Nor do they form a particular social group 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.

2.2.3 For guidance on assessing membership of a particular social group, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.3 Exclusion

2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.3.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Asylum Instruction on Restricted Leave.

Back to Contents

2.4 Assessment of risk

2.4.1 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).

2.4.2 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).

2.4.3 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).

2.4.4 Since the hearing and promulgation of IM and AI in 2015 and 2016 respectively, there have been a number of allegations that claiming asylum amounts to a political act and that rejected asylum seekers from Europe who have returned are ill-treated. In early 2018 the Belgian immigration authorities conducted an investigation into allegations of ill-treatment of a number of Sudanese nationals returned from Belgium to Khartoum at the end of 2017, and found that there was not clear and credible evidence of ill-treatment on or after arrival. They also undertook a comprehensive survey of available country information on returns to Sudan, including contacting a range of sources in Sudan and outside of the country, but did not find conclusive evidence of ill-treatment of returnees simply because of the act of return or because of their status as rejected asylum seekers. No substantiated evidence of ill-treatment on return has been released since the Belgian review. When considered in the round, there is not clear and cogent evidence that rejected asylum seekers per se are at risk of serious harm on return. The authorities are likely to question individuals on arrival, as part of immigration and security control process, and many take a particular interest in those who have been removed forcibly and/ or travelling on an emergency travel document. However, there is not clear and cogent evidence that this interest persists beyond arrival or that persons are subject to treatment during questioning amounting to serious harm (see Treatment of returnees – general; and Allegations of difficulties/ ill-treatment on return).

2.4.5 When taken in the round, the evidence does not indicate that there is a clear and systematic pattern of ill-treatment of rejected asylum seekers in general solely on the grounds of having claimed asylum in a European state. The evidence, therefore, does not establish that rejected asylum seekers per se are at risk of serious harm on return (see Treatment of returnees - general; and Allegations of difficulties / ill-treatment on return).

2.4.6 The state continues to be intolerant of dissent and may take an adverse interest in a person who is, or is perceived to be, critical of or a threat to the government because of their particular profile and / or activities (see Allegations of ill-treatment and the country policy and information notes

Sudan: Opposition to the government, including sur place activity and Sudan: Non-Arab Darfuris).

2.4.7 For further guidance on assessing risk generally, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.5 Protection

2.5.1 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.

2.5.2 For further information on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.6 Internal relocation

2.6.1 As the person fears persecution or serious harm from the state, internal relocation will not be reasonable.

2.6.2 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.7 Certification

2.7.1 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. Each case must be considered on its individual merits.

2.7.2 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).

Back to Contents

Country information

3. Returns statistics

3.1.1 The Home Office's published immigration statistics show the number of forced and voluntary returns of rejected asylum seekers to Sudan since 2004.

- A total of 412 were returned to Sudan between 2004 and 2017
- Of these, 143 were enforced and 268 voluntary returns
- Between 2014 and 2017, there were 7 enforced and 50 voluntary returns[1].

3.1.2 A European Migration Network (EMN) summary of 24 EU member state responses to a request made by the Belgian immigration authorities in January 2018 observed in regard to returns to Sudan generally (including asylum and non-asylum cases – see individual member state responses to the EMN query of 18 January 2018[2,3]) that:

'The responses to the EMN ad hoc query indicate that at least the following Member States and Norway have organised forced return of Sudanese nationals to Sudan during the past two years: [Belgium, Netherlands, Norway, UK, Italy, Sweden, Hungary, Estonia].

'Several Member States ([Belgium, Netherlands, Norway, UK, Sweden, Malta, Slovenia, Hungary, Spain, Lithuania, Italy]) indicated that voluntary returns of Sudanese nationals to Sudan took place during the past two years.

'For most Member States the numbers are relatively low […]. Some Member States also provided information on the number of return decisions towards Sudanese nationals, but the information provided on this question is too fragmented to provide a comparative overview.'[4]

3.1.3 The ENM response provided disclosable data for the number of returns in 2016 and 2017 for 18 European Union member states, including the UK. However, 6 states, including France, Germany and Finland, either did not provide or agree to disclose their data. Of the reported statistics, there were in total 90 enforces returns and 109 voluntary returns in 2016 and 2017 combined. The response does disaggregate asylum and non-asylum returns[5].

3.1.4 A report by the Belgian Commissioner General for Refugees and Stateless Persons of February 2018 reported, based on a range of sources, France and Germany returned Sudanese nationals to Sudan, including rejected asylum seekers from France. However, the information obtained on French

[1] Home Office, 'Immigration statistics – year ending March 2018', table rt 05q, 24 May 2018, url
[2] EMN query of 18 January 2018, url
[3] CGRS, COI Focus (section 1.1), February 2018, url
[4] EMN, Returns response (s3.1), 14 March 2018, url
[5] EMN, Returns response (Annex 1), 14 March 2018, url

returns was based on media reports and not from the French government itself[6].

3.1.5 The Assisted Voluntary Return and Reintegration (AVRR) programme, provided by IOM, has supported 1,348 Sudanese migrants to voluntarily return since the start of the programme in 2005. According to IOM, 336 Sudanese voluntarily returned in 2016 from 18 different countries, 55 per cent of which returned from Egypt, whilst Indonesia, Sweden, Switzerland and Norway returned between 17 and 37 migrants. IOM mentioned that 'other countries of departure included Australia, Belgium, Bulgaria, Denmark, Estonia, Greece, Italy, Jordan, Libya, Malta, Netherlands, Tunisia, and Turkey'.[7]

Back to Contents

4. Exit/entry procedures

4.1 Exit

4.1.1 The US State Department observed in its Human Rights report for 2017 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.'[8]

4.1.2 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;

[6] Belgian CGRS, COI Focus (section 1.1), February 2018, url
[7] IOM, AVRR, url
[8] USSD, 'Country Report on Human Rights Practices for 2017' (section 2d), 20 April 2018, url

- 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).'[9]

4.1.3 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), 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 Ministry of Interior's main office in Khartoum or the transit office at Khartoum International airport" (Article 1 and Waging Peace Sept. 2014, 5).'[10]

[9] Canadian IRB, 'Response to information request', 18 July 2016, url
[10] IRBC, 'Responses to information requests', 18 July 2016, url

4.1.4 The Belgian Commissioner General for Refugees and Stateless persons (CGRS) report, 'Sudan: Risk upon return' of 6 February 2018, based on a range of sources, noted 'The Passports and Immigration Act imposes a maximum sentence of two years in prison and/or a fine for obtaining an exit visa by illegal means, and a maximum penalty of six months in prison and/or a fine for other offenses against immigration rules, such as leaving the country without an exit visa, according to an analysis made by a Sudanese lawyer and collaborator of an NGO.'[11]

4.1.5 The same CGRS COI Focus noted:

'… Geir Skogseth of Landinfo noted that it is not very difficult to cross Sudan's land border into Egypt, Libya or Chad without subjecting oneself to border control. Considering the strict controls at the airport, it is however extremely unlikely that Sudanese are able to leave Sudan by airplane without an exit visa. Returnees who left Sudan without an exit visa may therefore well be subjected to legal prosecution, but this is not necessarily related to any suspicions of political activities.

'The CGRS did not find any information on actual cases of Sudanese voluntary or forced returnees who did not have an exit visa and were for this reason subjected to legal prosecution upon their return.'[12]

4.1.6 CPIT has been unable to find information in the sources consulted in this note that persons who have returned to Sudan, having left the country without an exit visa, have been prosecuted (see Bibliography for full list of sources).

Back to Contents

4.2 Entry

4.2.1 A letter from the British Embassy dated 19 February 2015 explained 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.

[11] Belgian CGRS, COI Focus (section 2.1.2), 6 February 2018, url
[12] Belgian CGRS, COI Focus (section 2.1.2), 6 February 2018, url

'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.'[13]

4.2.2 The Australian Department of Foreign Affairs and Trade (DFAT) 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.

'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".'[14]

4.2.3 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

[13] British Embassy in Khartoum, Deputy Head of Mission, Letter, 19 February 2015, Annex C
[14] DFAT, 'Country Information Report - Sudan' (p26), 27 April 2016, url

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.'[15]

4.2.4 The same report added:

'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.

'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 [African Centre for Justice and Peace Studies] 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.'[16]

4.2.5 The CGRS COI Focus, based on a range of sources, as well as the UK-Danish fact-finding mission report, noted that travel and residence permits are checked on arrival to Khartoum International Airport by the Immigration Service and subsequently by NISS[17] [18].

Back to Contents

5. Treatment of returnees

5.1 Monitoring

5.1.1 The CGRS noted in its report that a letter from UNHCR stated:

'UNHCR does not generally monitor or intervene in the situation of failed asylum-seekers and/or other non-asylum seeking Sudanese nationals who are forcibly returned to their country of origin upon arrival or thereafter. […] UNHCR's presence at the airport to monitor the arrival of returnees would

[15] UK-DIS, Fact Finding Mission (FFM) report (section 2.3), August 2016, url
[16] UK-DIS, FFM report (sections 2.4 and 2.5), August 2016, url
[17] Belgian CGRS, COI Focus (section 2.1.1), 6 February 2018, url
[18] UK-DIS, FFM report (section 2.3), August 2016, url

generally only be envisioned in the context of a voluntary return movement within the framework of a tripartite agreement.'[19]

5.1.2 Furthermore, the report noted that 'most sources contacted by the CGRS are not aware of the existence of organizations monitoring the return of Sudanese, nor of organisations Sudanese returnees could contact if they should have any problems.'[20] Alhadi Agabeldour, a Sudanese human rights activist, stated that international and domestic organisations are unauthorised to monitor returnees in order to 'avoid attracting attention on victims or incurring international condemnation.'[21]

5.1.3 The same report further included information from Waging Peace obtained via email 'Waging Peace stated that it is currently the only aid organization for post-deportation monitoring and that requests for assistance come from other European countries. Waging Peace added that it has few means to assist returnees because it may be dangerous to meet a returnee at the airport, for the returnee as well as for activists. Waging Peace views the lack of any monitoring of returnees as a protection gap.'[22]

5.1.4 The EMN summary of 24 EU member state responses to a request made by the Belgian immigration authorities in January 2018 observed in regard to the monitoring of returnees that:

'Several MS (EL, HU, SE, NO) explicitly state that there is no monitoring of returnees. IT says that no systematic monitoring has been put in place by the Italian authorities. However, a pool of Italian lawyers who are in contact with 5 Sudanese nationals returned to Sudan in 2016, say that they report security-related problems. SI stresses that they monitor the reactions of the Sudanese authorities during the hand-over procedure and on this basis, that they didn't detect any type of mistreatment or torture. Some MS (EE, MT), which also don't carry out monitoring activities in the case of forced returns, still refer to possible monitoring activities by the IOM in the case of assisted voluntary returns.'[23]

Back to Contents

5.2 Returns - general

5.2.1 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.'[24]

5.2.2 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

[19] Belgian CGRS, COI Focus (page 20), 6 February 2018, url
[20] Belgian CGRS, COI Focus (page 21), 6 February 2018, url
[21] Belgian CGRS, COI Focus (page 21), 6 February 2018, url
[22] Belgian CGRS, COI Focus (page 21), 6 February 2018, url
[23] EMN, Returns response (s3.5), 14 March 2018, url
[24] British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

our international partners were aware of any cases of returnees being mistreated on return to Sudan.' 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.' 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.'[25]

5.2.3 Via an email from IOM to the CGRS in January 2018 it was noted that:

'Reception assistance at point of entry is optional and the migrants voluntarily express their need for it or not at the AVR application stage. […] In Sudan, IOM does not have access to the arrival zone of Khartoum International Airport. IOM Sudan awaits the returnees outside the airport and can e.g. arrange the local transportation to the place of residence, if requested. In general, a first contact is established at this point in time for the possible reintegration assistance follow up.'[26]

5.2.4 The DFAT report 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.'[27]

5.2.5 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.[28]

5.2.6 The source further added that 'the two human rights lawyers from Khartoum noted that travel from Nairobi (Kenya), Europe or the USA may attract the attention of the authorities on arrival, compared to those travelling from Gulf States'.[29]

5.2.7 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

[25] British Embassy in Khartoum, Deputy Head of Mission, 19 February 2015, Annex C
[26] Belgian CGRS, COI Focus (page 20), 6 February 2018, url
[27] DFAT, 'Country Information Report - Sudan' (p26), 27 April 2016, url
[28] UK-DIS, FFM report (sections 2.8), August 2016, url
[29] UK-DIS, FFM report (sections 2.8), August 2016, url

(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 deporting 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.

'[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…

''NHRMO [The National Human Rights Monitors Organisation] 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.'[30]

5.2.8 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.'[31]

5.2.9 The same source, in its reports for 2016 and 2017 released in March 2017 and April 2018 respectively, made no references to the 800 Sudanese asylum seekers referred above[32] [33].

5.2.10 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.'[34]

5.2.11 The CGRS noted in its 2018 report:

'According to some sources contacted by the CGRS (Waging Peace: ICG; Sudanese human rights activist in Khartoum (A); Baldo S.; DRDC) returnees with an ETD [emergency travel document] run a greater risk of being targeted by the authorities. According to Maddy Crowther of Waging Peace, this is because they are identified as rejected asylum applicants, which gives them a political profile. The Sudanese journalist and analyst Tajeldin Adam stated that returnees with an ETD are usually taken away by the NISS for further verification, during which they may be subjected to discrimination or persecution, especially political opponents or members of vulnerable groups. DWAG stated that even when they have a valid passport, returnees face a high risk of detention, torture or even death. Waging peace knows of several cases where a holder of a British passport faced problems. Suliman Baldo referred to the recent arrest of a British journalist and an American activist of Sudanese origin.

'[…] A Sudanese human rights activist (C) in Khartoum told the CGRS in her e-mail that she travelled to Khartoum in February 2017 with an ETD because she had lost her passport in London. She was taken by the NISS to a separate office, where she was asked to fill in a "forced deportation form"

[30] UK-DIS, FFM report (sections 2.2 and 2.4), August 2016, url
[31] USSD, 'Country Report on Human Rights Practices for 2015', (section 1d), April 2016, url
[32] USSD, 'Country Report on Human Rights Practices for 2016', Sudan, March 2017 url
[33] USSD, 'Country Report on Human Rights Practices for 2017', Sudan, April 2018, url
[34] British Embassy, Khartoum, Ambassador, 29 September 2016, Annex A

with questions about her journey, her family and her ethnic origin. As she refused to answer this last question, she was taken to another building and was only released when the NISS was told her ethnic origin by a family member. The Sudanese activist wondered what would happen with an incoming passenger belonging to an ethnic group which the government views with hostility.'[35]

5.2.12 The CGRS report further noted:

'Neither the European Court of Human Rights (ECtHR) nor the British Upper Tribunal declared a general ban on the repatriation of Sudanese nationals […].

'The ECtHR considered that the repatriation of a Sudanese family who applied for asylum in the Netherlands because they feared female genital mutilation for their daughter (2016), as well as the repatriation by Switzerland of a Sudanese rejected asylum applicant with low level political activity in Switzerland (2017), did not give rise to a violation of article 3 ECHR.

'In a case heard in 2016, the British Upper Tribunal considered that a rejected asylum applicant who was not a Darfuri and had no political activity did not run a risk of serious harm on account of his forced repatriation or the rejection of his asylum application.

'In the same case, the Upper Tribunal also noted that Sudanese who try to avoid military service or desert from the army do not run a specific risk upon return from abroad. Neither did the Upper Tribunal find any evidence that Sudanese who worked abroad and who failed to pay their income tax run a risk upon return. They will only have to pay their tax arrears.

'[…] The Dutch Secretary of State for Justice and Security, also competent for Asylum and Migration, declared in answer to a parliamentary question of 5 February 2018 that he had "received no concrete and substantiated signals regarding serious irregularities after a removal by the Netherlands to Sudan" [translation] and added that one such signal was investigated and found to be groundless.

'[…] Regarding the way voluntary or forced Sudanese returnees are treated at KIA, IOM Brussels wrote the following in an e-mail to the CGRS:

'"Based on past assistance records, IOM has not yet received any specific information on the treatment of voluntary or forcibly returned Sudanese nationals by the Sudanese authorities at Khartoum International Airport. The Organisation closely monitors returns and will review and change/amend any measure within the AVRR procedures to countries where mistreatment of voluntary or forcibly returnees are reported."

'In the same e-mail, IOM Brussels also states:

'"IOM did not receive any complaint by Sudanese returnees and IOM is not aware of specific profiles being deliberately targeted."

'[…] A human rights lawyer in Khartoum distinguished two situations:

[35] Belgian CGRS, COI Focus (section 2.1.1), 6 February 2018, url

- The media and human rights activists are informed about the arrival of returnees. In this case, the security services allow the returnees to leave the airport. Arrest may take place later but many returnees are able to avoid this.
- The return is not made public and strict security measures prevent lawyers and human rights activists to enter the airport. In this case, most returnees are likely to be arrested, detained for a long time, interrogated and tortured.'[36]

5.2.13 The CGRS report further added:

'According to Mukhtar Albaqir (KACE Sudan), the duration of detention often depends on whether relatives are informed about the return, in which case they can follow the case at the NISS and try to speed up the returnee's release. Without the intervention of relatives, a person may well be detained for several years by the NISS, according to KACE Sudan.

'A number of sources contacted by the CGRS (human rights activist and journalist in Khartoum; Eric Reeves; HUDO; DWAG; DRDC; KACE Sudan) stated that voluntary or forced returnees, including rejected asylum applicants, would probably be interrogated by the NISS and, according to the answers given, they would be released or detained and possibly tortured. Niemat Ahmadi of DWAG stated that identity and travel documents are often confiscated. Reeves considered that applying for asylum, especially in Europe, creates a political profile.

'On the other hand, Geir Skogseth of Landinfo stated that no source met during the several Norwegian fact-finding missions had any information documenting that Sudanese returning (forcibly or voluntarily) after their asylum applications were turned down faced problems with Sudanese authorities. Landinfo has, however, heard about several cases where politically active Sudanese faced arrest and torture by the NISS after their return, but this concerns persons with a fairly high profile who returned voluntarily.

'According to Skogseth, as there is a large Sudanese diaspora residing abroad, ranging from working class Sudanese labour migrants in neighbouring Arab countries (especially the Gulf countries, Libya and Egypt) to middle class labour migrants and students and more privileged elite Sudanese in both the Arab world and the West, a large number of Sudanese are leaving and returning to Sudan every day, either by airplane, overland (Egypt, Libya) or by sea (to Saudi Arabia). Many of these reside abroad for fairly long periods of time. Even an omnipresent intelligence and security service such as the NISS has to make priorities. Skogseth therefore supposes that a long stay abroad or assumptions regarding an asylum application abroad will not raise suspicion in itself.'[37]

5.2.14 See subsection Persons of interest / Allegations of ill-treatment/ difficulties on return below for reports of allegations of individuals amongst the 800

[36] Belgian CGRS, COI Focus, (section 2.3.1), 6 February 2018, url
[37] Belgian CGRS, COI Focus, (section 2.3.1), 6 February 2018, url

Sudanese returned in December 2015 who were reportedly ill-treated on arrival.

Back to Contents

5.3 Profiles – ethnicity

5.3.1 See also the Sudan country policy and information note, Non-Arab Darfuris.

5.3.2 A compilation report by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) on Darfur dated September 2017, based on a range of sources, while not dealing specifically with rejected asylum seekers noted the following in regard to Darfuri returnees to Sudan:

'The senior researcher at HRW on 19 July [2017] pointed out the following with regards to a Darfuri arriving at Khartoum airport:

'"Possible discrimination of a Darfuri returnee at Khartoum Airport would depend on the profile of the person, he would unlikely be discriminated against merely based on being from Darfur. Rather depending on his ethnic background and political allegiance, he could be presumed to sympathise with rebels in which case he might be targeted for arrest/interrogation. A membership in some opposition parties like the Al-Umma Party would not necessarily be considered an aggravating factor. The Al-Umma and a handful of other parties are part of the 'acceptable opposition'." (HRW senior researcher, 19 July 2017)

'According to Eric Reeves, "the treatment is highly variable and depends upon the nature of the documentation the person is carrying and whether a bribe has been paid to a security official in advance." Regarding the possession of an Al-Umma Party ID, he remarks that he doesn't know specifically but "believes it would be unwise to carry such a card through a Karthoum checkpoint." (Reeves, 21 August 2017)

'The Sudanese contact of German relief organisation Bread for the World indicates that Darfuris will be treated in the same way as any other Sudanese ethnicity upon their return, unless the person in question is suspected of having relations with rebel movements or anti-government activists. The fact that a person hails from the Zaghawa, Fur or any other African Darfuri ethnicity is sufficient to raise suspicion. However, the person may get its clearance by the security forces after some interrogations. Affiliation to political parties, being Al-Umma or any other party, is not a problem according to the contact. Al-Umma is a registered party and recognised by the government. The son of its leader Alsadiq Almahadi is assistant to the president Albashir, two of his cousins are cabinet ministers and one is vice prime minister. (Sudanese contact of Bread for the World, 30 August 2017)

'The independent researcher Jérôme Tubiana in his email response of 18 July 2017 stated regarding the treatment of a Darfuri person upon his arrival at Khartoum airport that this person would be "[l]ikely to be interrogated by security, and possibly beaten/tortured, detained, and even killed. Umma or

other opposition affiliation is an aggravating factor." (Tubiana, 18 July 2017)'[38]

5.3.3 The CGRS noted in its 2018 report:

'The British Sudan researcher Peter Verney considers that non-Arab Darfuris may also be arrested and detained for racist motives, as part of the "genocidal" and "ethnocidal" destruction of their societies, and not because of actual evidence of links with rebel groups. The Sudanese authorities attribute a political colour on the basis of ethnicity, and not on the basis of a real political profile. According to Verney, hundreds of low profile non-Arab Darfuris are being arrested…

'Amnesty International considered that Sudanese from conflict-affected areas such as Darfur and South Kordofan and Blue Nile States should not be sent back to Sudan, where they would be at real risk of serious human rights violations. A number of sources contacted by the CGRS (Amnesty International; Sudan expert for an international organization; Sudanese journalist; DWAG; Tajeldin Adam; ACJPS; DRDC; KACE Sudan) hold the same view. Suliman Baldo declared that the Sudanese security services are more prone to subject detainees from conflict areas to racist insults and ill-treatment, including torture, compared with detainees from north or central Sudan. Most youths leaving the country come from conflict areas, according to Baldo.

'Some sources (DWAG; DBA; human rights lawyer in Khartoum; ACJPS; DRDC) stated that the Fur, Massalit and Zaghawa are the ethnic groups which are most often targeted in Sudan.A Sudanese professor of human rights law stated that not every returnee faces problems at KIA but perceived a risk for persons who combine a specific ethnic background with political activities, for instance a Darfuri suspected of involvement with a rebel group.

'A number of sources contacted by the CGRS (Eric Reeves; Waging Peace; Sudanese human rights activist (A); Sudanese human rights activist in Khartoum (D)) were of the view that Darfuris are particularly under suspicion, all the more so, according to Tubiana, when they have requested asylum in the West or in Israel. Most sources also mentioned other Sub-Saharan ethnic groups such as the Nuba. Darfuris with "political profiles" (sometimes based on distant family ties with rebel groups or involvement in some form of political activity, according to Reeves) run a high risk of arrest, detention and torture. Waging Peace noted that many activities have a political side and that this could also be the case for the activities of journalists, teachers, human rights activists, humanitarian aid workers etc. Applying for asylum will also draw attention from the authorities, according to Waging Peace..

'Abdelrahman Elgasim (DBA) stated that passports of Darfuris are usually confiscated and their holders are interrogated about every aspect of their life (place of birth, ethnic origin, parents, brothers and sisters, partners, political affiliation, occupation) and have to sign a written commitment not to leave the country. They are then blacklisted from leaving the country. Elgasim is aware that a number of Darfuris occupy senior government functions but

[38] ACCORD, COI compilation (section 6.1.1), September 2017, url

most of them are members of the Islamic Movement, and are tied through their religion to the Islamic government…

'The ACJPS told the CGRS it did not have any evidence suggesting that persons are targeted because of their ethnic background and stated that ethnicity is a complicated matter and that ethnic disputes are used by the government to achieve political goals.'[39]

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

'Several sources indicated that a person's ethnicity did not generally affect their treatment on arrival at Khartoum International Airport (KIA), or otherwise had no information to the contrary to contradict this assessment.

'Western embassy (C) noted that upon arrival at KIA, Darfuris and persons from the Two Areas may be treated impolitely and probably asked to pay a bribe, but they would not face any difficulties if they already were not 'flagged' by the NISS. NHRMO observed that those from the Two Areas travelling through Khartoum International Airport (KIA) would be subject to more intensive questioning about their background and political involvement, with ethnic Nuba most likely to experience harassment.

'EAC pointed out that there were officers from Darfur and the Two Areas working at the airport, for example Lieutenant General Awad El Dahiya, Head of Passports and Civil Registrations at the Ministry of Interior was from Southern Kordofan.

'EHAHRDP considered that all asylum seekers from Darfur and the Two Areas would be at risk on return.'[40]

Back to Contents

5.4 Profiles – political activity

5.4.1 See also the Sudan country policy and information note, Opposition to the government, including sur place activity.

5.4.2 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.'[41]

5.4.3 A letter from the Deputy Head of Mission at the British Embassy in Khartoum dated 8 April 2013 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

[39] Belgian CGRS, COI Focus (section 2.3.2), 6 February 2018, url
[40] UK-DIS, FFM report (sections 2.7), August 2016, url
[41] British Embassy in Khartoum, Deputy Head of Mission, 8 April 2013, Annex B

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'.[42]

5.4.4 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 overseas including through engagement with opposition groups within the diaspora.'[43]

5.4.5 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.'[44]

5.4.6 The UK-DIS FFM report, based on inter s 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…

[42] British Embassy in Khartoum, 8 April 2013, Annex B
[43] British Embassy in Khartoum, 'Treatment of Returnees in Sudan', 19 February 2015, Annex C
[44] British Embassy in Khartoum, 'Treatment of Returnees in Sudan', 19 February 2015, Annex C

'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.

'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.'[45]

5.4.7 The CGRS noted in its 2018 report:

'A range of sources contacted by the CGRS (Sudan expert of an international human rights organization; ACJPS; human rights activist (C) in Khartoum; DBA; a journalist in Khartoum; Sudanese professor; KACE Sudan) share the view that activists, vocal critics of the regime and members of the opposition all run a risk upon return. Activists known to be communist, secularist or political opponents run a heightened risk of ill-treatment, according to Muqhtar Alqabir (KACE Sudan). The ACJPS stated that arrests sometimes do not last long and are rather a form of intimidation, but that returnees who are viewed as a real threat may be detained for a longer time. The ACJPS is primarily thinking of lawyers, journalists and students. Arrests may even take place during social visits, according to the Sudanese human rights activist. A member of the Sudanese Congress Party was arrested at his mother's funeral. This is an arbitrary process depending on the perception of NISS agents and immigration staff.

Back to Contents

6. Allegations of ill-treatment / difficulties on return

6.1.1 The USSD Human Rights report for 2017 noted that 'the [Sudanese] government observed the law prohibiting forced exile. It warned political

[45] UK-DIS, FFM report (sections 2.6), August 2016, url

opponents of their potential arrest, however, if they returned from self-imposed exile.'[46]

Back to Contents

6.2 Returns from the UK

6.2.1 For information on the treatment of persons who are, or are perceived to be, critical of the state see the Sudan country policy and information note, Opposition to the government.

6.2.2 In their 2012[47] and 2014[48] 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 –were rejected asylum seekers who had been returned to Sudan. (Both Mr M and Mr A had then left Sudan and returned 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. Of the 3 rejected asylum seekers, all claimed they were from conflict areas and/or affiliated to opposition or rebel groups. Mr A and Mr Badaoui suggested that Sudanese authorities negatively viewed the act of claiming asylum.[49]

- 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 Darfrui political group and after his release from detention in Sudan engaged in political activities.[50]
- 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.[51]
- 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

[46] USSD, 'Country Report on Human Rights Practices for 2017' (section 2d), 20 April 2018, url
[47] Waging Peace, 'The Danger of returning home', September 2012, url
[48] Waging Peace, 'The Long Arm of the Sudanese Regime', September 2014, url
[49] Waging Peace, 'The Danger of returning home', September 2012, url
[50] Waging Peace, 'The Danger of returning home' (Annex A), September 2012, url
[51] Waging Peace, 'The Danger of returning home' (Annex B), September 2012, url

London Mr A had attended meetings at which representatives of Sudan opposition groups were present.[52]

- 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.[53]
- 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.[54]
- 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 Sadiq al Mahdi, leader of the opposition Umma Party and a former prime minister of Sudan.[55]

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.[56] Additionally, an article published by the Guardian in August 2012 reported that el-Baghdady was mistreated by NISS during detention as officials refused to believe he was British, and suspected that he was linked to opposition 'pro-democracy movements'.[57]

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.'[58] Mr El Baghdady was detained for about two weeks after arriving in Sudan from Egypt; he was released without charge in May 2011[59].

6.2.6 The 2018 CGRS report noted:

'The three rejected applicants were detained at KIA whereas the other two were allowed to enter the country but were arrested later on. One of the witnesses spent more than three years in detention and mentioned serious and regular torture. Others were detained for a few days or weeks and allegedly beaten and tortured. One of the witnesses was interrogated for a few hours.'[60]

6.2.7 A September 2014 Waging Peace report included testimonies from those who claimed to have been mistreated, harassed or intimidated on return to

[52] Waging Peace, 'The Danger of returning home' (Annex C), September 2012, url
[53] Waging Peace, 'The Danger of returning' (Annex D), September 2012, url
[54] Waging Peace, 'The Danger of returning' (Annex E), September 2012, url
[55] Waging Peace, 'The Danger of returning' (Annex F), September 2012, url
[56] Foreign and Commonwealth Office, 'Human Rights and Democracy Report 2012', url
[57] The Guardian, 'Arrested, beaten and tortured …', 6 August 2012, url
[58] The Guardian, 'Arrested, beaten and tortured …', 6 August 2012, url
[59] Waging Peace, 'The Danger of returning home', September 2012, url
[60] Belgian CGRS, COI Focus (section 2.4, United Kingdom), 6 February 2018, url

Sudan. Eight of the ten testimonies came from anonymous sources, 2 were identified, 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 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.[61]

6.2.8 The CGRS 2018 report further noted:

'In March 2009 the British press reported the murder of Adam Osman Mohammed in South Darfur. When his asylum application in the UK was rejected, he opted for an assisted voluntary return in August 2008. He spent some months in Khartoum before going to Darfur. According to his cousin, chairman of the Darfur Union in the UK, he was shadowed by the security forces and was shot dead in his village.

'A Sudanese women living in the UK told The Telegraph that she was detained for five days at KIA after a two-week trip in Darfur. She was shown pictures of a meeting with a Sudanese activist in London. The woman, who was five months pregnant and interrogated night and day, was eventually allowed to go back to London.

'[…] In a report of 2014, Waging Peace interviewed three Sudanese who had been forcibly repatriated and six voluntary returnees. Upon their arrival at KIA, four of them were detained, for several days up to several months. They also mentioned intimidation and ill-treatment. The two others were only interrogated, one at KIA and the other at Ganeina airport in Darfur.

'[…] Waging Peace told in an e-mail to the CGRS that, since the release of their latest report in 2017, many other cases have come to their knowledge, "where individuals were detained on arrival and subsequently interrogated, or even tortured, or whose families have been targeted".'[62]

Back to Contents

6.3 Returns from Belgium

6.3.1 The CGRS report mentioned that ten Sudanese were repatriated from Belgium at the end of September and in mid-November 2017, one voluntarily and the remaining nine forcibly. The report stated:

'In December 2017, an independent research centre, the Tahrir Institute for Middle East Policy Europe, went to the press with testimonies from a number of Sudanese repatriated from Belgium, who declared they had been ill-treated and tortured upon arrival at KIA. The institute's director, Koert Debeuf, stated in an interview in December 2017 that these Sudanese witnesses were all living in fear for their life.

[61] Waging Peace, 'The Long Arm of the Sudanese Regime', September 2014, url
[62] Belgian CGRS, COI Focus (section 2.4, United Kingdom), 6 February 2018, url

'On 21 December 2017, IOM Khartoum stated that it did not receive any information on torture or other problems regarding the ten Sudanese repatriated from Belgium.

'Amnesty International stated at the end of January 2018 that Belgium had violated the nonrefoulement principle, because, among other reasons, the authorities did not adequately ensure that the returnees did not have a risk profile (persons from a conflict area, political opponents).

'The Sudanese human rights activists Abdelrahman Elgasim (DBA) and Alhadi Agabeldour (AFIIP) deplored in an e-mail of mid-January 2018 that Belgium did not call upon their organizations for help and stated that they are convinced that the repatriated Sudanese are at serious risk. Alhadi Agabeldour thinks that they are sent "to death, to persecution, to intimidation, to a lack of respect at the minimum, to a violation of their dignity" [traduction].[…] Abdelrahman Elgasim (DBA) adds that he looked in vain for Darfuris among the Sudanese repatriated from Belgium and concludes that either there were no Darfuris among them or that the Darfuris among them kept quiet about their origins for fear of the security services.[…] The Belgian government asked the CGRS in December 2017 to assess the repatriations to Sudan.[…]'[63]

6.3.2 However, in its report of its investigation into the treatment of the 10 returnees returned in September – November 2017 from Belgium to Sudan, the CGRS concluded:

'The CGRS has not been able to obtain absolute certainty or clarity about whether the facts stated in the report of the Tahrir Institute actually took place. But regarding the three main testimonies from this report, it was found that some important elements were not true, to such an extent that this raises serious doubts about the rest of the testimony.

'To obtain more certainty in this matter, additional research would be necessary.'[64]

6.3.3 The CGRS further mentioned:

'The CGRS is of the opinion that if there is found to be a real risk regarding article 3 ECHR, the person cannot be removed to his country of origin, but nevertheless a residence status does not necessarily have to be granted, especially when the person concerned refuses to apply for asylum.

'The CGRS is of the opinion that the removal or return of persons to Sudan can be resumed provided the protection need of each of the persons concerned has been assessed "on its merits" beforehand (including a protection need regarding article 3 ECHR).'[65]

Back to Contents

[63] Belgian CGRS, COI Focus (section 2.4, Belgium), 6 February 2018, url
[64] Belgian CGRS, Returns investigation report (p10), 9 February 2018, url
[65] Belgian CGRS, Returns investigation report (p16), 9 February 2018, url

6.4 Returns from France

6.4.1 Waging Peace added in their September 2014 that Dr Maria El Mahdi, Vice President of the Umma Party (and daughter of its leader, Sadiq al 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[66].

6.4.2 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).'[67]

6.4.3 The CGRS report observed, from various sources, that a Sudanese who repatriated from France in March 2017 was detained for eight days and questioned on his journey in Europe and on those he met during his travels. In addition, the CGRS was informed in November 2017 of two Sudanese voluntary returnees from France, both from Darfur and of the Zaghawa ethnic group. One was arrested after spending one month in Jezira upon return. The other was reportedly jailed since[68].

Back to Contents

6.5 Returns from Italy

6.5.1 Waging Peace reported in a note of January 2017 on the treatment of 3 Sudanese nationals returned to Sudan in 2015 and during 2016 from Italy (although the note does not identify 3 people specifically). The individuals

[66] Waging Peace, 'The Long Arm of the Sudanese Regime' (page 10), September 2014, url
[67] Canadian IRB, 'Procedures and requirements to obtain exit permits …', (section 3), 18 July 2016, url
[68] Belgian CGRS, COI Focus (section 2.4, France), 6 February 2018, url

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.[69]

6.5.2 The cases documented by Waging Peace stated:

'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 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.'[70]

6.5.3 Aside from the single account of Barakat the individuals are not identified, it is not clear what the status of the individual 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.

6.5.4 The CGRS 2018 report mentioned the forty Sudanese repatriates from Italy:

'According to the British NGO Sudan Social Development Organization (SUDO UK), only one of the forty Sudanese repatriated from Italy in August 2016 was allowed to speak to a Sudanese newspaper upon arrival in Khartoum, on condition that he expressed regret over his departure from Sudan. All forty were allowed to go free but had to report the following day to the NISS, who interrogated them about their journey'.[71]

6.5.5 According to a human rights lawyer in Khartoum, one of the returnees was detained for 35 days with five others, where they were beaten and tortured. Other sources stated that 15 of the returnees were from Darfur, and were interrogated upon arrival to Khartoum about their journey, identity and origin, and were beaten. Another returnee claimed to have been treated reasonably by the NISS, whilst others feared for their relatives' physical integrity and their own, as well as claiming of being watched by the intelligence service[72].

[69] Waging Peace, Recent cases of post-deportation risk, January 2017, url
[70] Waging Peace, Recent cases of post-deportation risk, January 2017, url
[71] Belgian CGRS, COI Focus (section 2.4, Italy), 6 February 2018, url
[72] Belgian CGRS, COI Focus (section 2.4, Italy), 6 February 2018, url

6.5.6 Dario Bellucio, an ASGI (Associazione Studi Giuridici sull'Immigrazione) lawyer who defended five returned Darfuris from Italy, informed the CGRS that they met their clients during an investigation in Khartoum. All their clients were reluctant to talk about their experience in Sudan due to fear that arose from 'controls they were constantly subjected to and from possible eavesdropping on their conversation.' Further to this, 'they mentioned the confiscation of documents which would have allowed them to leave Khartoum or Sudan and the discrimination against Darfuris in the capital. They were put under a travel ban for at least 5 years'. Bellucio noted that even as part of an EU parliamentary mission, 'it was very difficult to move freely in Khartoum' and that 'they were constantly being watched at their hotel and outside'.[73]

6.5.7 Furthermore, the CGRS report stated, citing various sources:

'During their meeting with their clients, plain-clothes security was also present nearby. When the lawyers noticed this, their clients wanted to end the conversation as soon as possible. Pictures were taken of the delegation and its members were unable to hold confidential meetings. After meeting their clients, the lawyers were approached by two security agents who asked questions about their clients and threatened to detain the lawyers. Although they were free to go after a short time, they were constantly being followed. After consulting their embassy, they decided to cut short their stay in Sudan'.[74]

Back to Contents

6.6 Returns from Israel

6.6.1 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'.[75]

6.6.2 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 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. […]'[76]

6.6.3 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

[73] Belgian CGRS, COI Focus (section 2.4, Italy), 6 February 2018, url
[74] Belgian CGRS, COI Focus (section 2.4, Italy), 6 February 2018, url
[75] Human Rights Watch, "Make Their Lives Miserable …" (p4), 9 September 2014, url
[76] Human Rights Watch, "Make Their Lives Miserable …" (p42-46), 9 September 2014, url

released on bail but was banned from travelling and had his passport confiscated.[77]

6.6.4 According to two Israeli NGOs, Aid Organisation for Refugees and Asylum Seekers in Israel (ASSAF) and Hotline for Refugees and Migrants, 'anyone in Sudan suspected of contact with Israel or of being Jewish may be in danger'.[78] Human Rights Watch were of the view that 'all Sudanese in Israel therefore have a sur place refugee claim in which the well-founded fear of being persecuted arises as a consequence of events that happened or activities the asylum applicant engaged in after leaving their country of origin.'[79]

6.6.5 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.'[80]

6.6.6 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.'[81]

6.6.7 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[82]. The reasons or full circumstances of the incident are, however, not clear.

6.6.8 The CGRS 2018 report stated:

'In her e-mail to the CGRS, Niemat Ahmadi (DWAG [Darfur Women Action Group]) referred to the statement of a Sudanese police officer, who deserted in the period 2011-2013 and declared that about twenty Darfuris who tried to enter Israel from Egypt were repatriated to Sudan. According to Ahmadi, all twenty of them were taken to an isolated spot in North Sudan and executed.

'[…] In January 2014, the Israeli newspaper Haaretz brought the story of a Sudanese who returned to Sudan from Israel with his wife and children. He told the newspaper that while he was away from his home in Khartoum, security forces "beat and intimidated" his mother and siblings and that he went into hiding with his family and eventually left Sudan again.

[77] Human Rights Watch, "Make Their Lives Miserable …" (section 3), 9 September 2014, url
[78] ASSAF, Hotline for Refugees and Migrants, April 2015, (page 16), url
[79] Human Rights Watch, "Make Their Lives Miserable …" (p20), 9 September 2014, url
[80] UK-DIS, FFM report (sections 2.2), August 2016, url
[81] UK-DIS, FFM report (sections 2.8), August 2016, url
[82] Waging Peace, Recent cases of post-deportation risk, January 2017, url

'ASSAF and Hotline for Refugees and Migrants collected a number of testimonies from Sudanese who had been repatriated from Israel in 2014. They testified about the confiscation of their documents and personal belongings, detention without trial, interrogations about their activities in Israel and about Sudanese activists and opposition groups abroad, as well as torture and charges of espionage. After their release, all of them were further threatened and interrogated by the police. One Sudanese testified that a relative of his disappeared after returning from Israel. Other witnesses told human rights organizations or Haaretz that relatives in Sudan were being intimidated or illtreated because of their stay in Israel.

'The Israeli NGOs were also told by witnesses that at least fourteen asylum applicants who were repatriated by Israel died in custody in Sudan and two others were attacked, but the organizations were unable to check this information.

'According to an e-mail from Alhadi Agabeldour (AFIIP), some Sudanese repatriated from Israel are still being held and others are still unaccounted for. Others are affected in their daily lives and are not allowed to work in the government sector because they are viewed as traitors or spies.

'[…] The Sudanese journalist and analyst Tajeldin Adam told the CGRS in an e-mail that the Darfuris who were repatriated by Israel via a third country safely arrived in their former place of residence or another destination, but he warned against repatriations via KIA.'[83]

Back to Contents

6.7 Returns from Jordan

6.7.1 Waging Peace reported in a note of January 2017 on the treatment of 2 Sudanese nationals returned to Sudan in 2015 and during 2016 from Jordan. 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:

  '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

[83] Belgian CGRS, COI Focus (section 2.4, Israel), 6 February 2018, url

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.’[84]

6.7.2 The CGRS 2018 report noted that in January 2016, Amnesty International interviewed twelve Sudanese who had been forced to return to Sudan from Jordan. Upon arrival, they claimed that they were arrested, beaten and tortured. AI does not provide further details in its public reports. Six of these testimonies were provided to CGRS and to the Office of the United Nations High Commissioner for Human Rights (OHCHR)[85].

6.7.3 CGRS mentioned:

‘All six were forcibly repatriated from Jordan on 18 December 2015 and left Sudan shortly afterwards for Egypt, where they applied for asylum with UNHCR. They declared that during their detention by the NISS they were beaten, handcuffed, blindfolded and insulted by NISS agents. Upon arrival, returnees where also ethnically profiled: Darfuris were separated from non-Darfuris, were subjected to serious racial insults and to a harsher, degrading treatment, and they were told they were not “real Sudanese”.

‘The six, four men and two women, made the following statements:

- A man (of unknown ethnicity and geographical origin) who took part in the sit-ins in front of UNHCR office in Amman was detained for 22 days and tortured (beaten and threatened) upon his return in Khartoum. His interrogators wanted to know why he talked to Al Jazeera TV in Jordan. He was released in January 2016.
- Upon arrival in Khartoum, a man (of unknown ethnicity and geographical origin) was separated with other men from the women and children. The men were interrogated about their ethnic background (tribe) and their asylum application, and were beaten and threatened. This man could escape from detention with some others after four days.
- A man from North Darfur, from the Zaghawa ethnic group, was interrogated by the NISS upon his arrival at KIA, labelled a “troublemaker” and beaten and tortured every day for seven days.
- A man from Darfur, from the Zaghawa ethnic group, declared that the group of returnees was met by the media at KIA, but only “for show”. He was then interrogated by the NISS about his ethnic background (tribe) and other personal details, labelled a rebel, beaten and humiliated. A five-year travel ban was written in his passport and in the passports of other detainees. He managed to escape from the airport.
- A woman from the de Baggara ethnic group (and of unknown geographical origin) was arrested with her family on the street in Amman on 17 December 2015. The group of returnees was met by the media at KIA but they were afterwards interrogated by NISS agents about their

[84] Waging Peace, Recent cases of post-deportation risk, January 2017, url
[85] Belgian CGRS, COI Focus (section 2.4, Jordan), 6 February 2018, url

ethnic background (tribe). The woman was body-searched by two female agents, slapped in the face and insulted. She was accused of having disgraced Sudan. Her family, who had come to the airport to pick her up, were also interrogated and she was allowed to go free the same day.

- A woman from Darfur (of unknown ethnicity) was accused by NISS agents of having disgraced Sudan. She was handcuffed and interrogated about her ethnic background (tribe). She was detained for some days.'[86]

6.7.4 Furthermore, the CGRS report added that various other sources had reported testimonies from Sudanese returnees, such as a case of a missing returnee from Jordan. According to 7iber, an online Jordanian website, Al-monitor, a Washington-based media website, and The Guardian, there are testimonies which claim that returnees from Jordan had been interrogated, intimidated, subjected to racial slurs, beaten, tortured and detained for up to 45 days in solitary confinement.[87]

6.7.5 Moreover, the CGRS report noted 'Ahmadi also interviewed three Sudanese returnees from Jordan who had been tortured during their detention and told they were not allowed to leave the country again. They were asked to choose between detention and conscription in the RSF to fight in Yemen. Feigning willingness to work for the government, they managed to escape during their military training in North Sudan and to leave the country, according to Niemat Ahmadi'.[88]

Back to Contents

6.8 Returns from other countries

6.8.1 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:

- 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[89].

6.8.2 The USSD report for 2017 noted:

'Opposition leaders and NGO activists remained in self-imposed exile in northern Africa and Europe; other activists fled the country during the year. On January 27, opposition leader Sadiq al-Mahdi returned to Khartoum, more than two years after he had fled to Cairo following government allegations he collaborated with rebels. The authorities did not arrest him

[86] Belgian CGRS, COI Focus (section 2.4, Jordan), 6 February 2018, url
[87] Belgian CGRS, COI Focus (section 2.4, Jordan), 6 February 2018, url
[88] Belgian CGRS, COI Focus (section 2.4, Jordan), 6 February 2018, url
[89] Waging Peace, 'The Long Arm of the Sudanese Regime' (page 12), September 2014, url

upon arrival in Khartoum, and he did not report harassment. As of year's end, other prominent opposition members had not returned to the country under the 2015 general amnesty for leaders and members of the armed movements taking part in the national dialogue; some expressed concern about their civic and political rights even with the amnesty.'[90]

6.8.3 Amnesty International reported that in July 2017, three Sudanese nationals were returned to Sudan from Saudi Arabia. According to AI, all three were detained on arrival by the NISS at KIA[91]. Americans for Democracy and Human Rights in Bahrain (ADHRB) noted that all three had expressed their support for the November and December 2016 protests in Sudan. Two of the men, Elgassim Mohammed Seed Ahmed and Elwaleed Imam Hassan Taha were human rights activists. The third, Alaa Aldin Daffalla, a journalist, who had also criticised the Sudanese government via social media[92]. They were released without charge on 22 August 2017 and 1 October 2017[93] [94].

6.8.4 The CGRS 2018 report noted:

'In her e-mail to the CGRS, Niemat Ahmadi (DWAG) mentioned a family from Darfur who was relocated to the United States in 2006 and acquired US citizenship. When one of the sons visited Darfur with his younger cousin in 2015, their vehicle was taken under fire near El Fashir. Thirteen people were killed and the two American Sudanese were seriously injured. According to Ahmadi, this shows that the government sometimes allows people to enter Sudan without problems only to target them later on. The CGRS did not find any other information about this incident.

'A Sudanese university student who returned in 2015 from Kampala (Uganda) with an ETD was detained at KIA and interrogated for one day before being allowed to leave the airport, according to a Sudanese human rights lawyer in an e-mail to the CGRS.

'[…] A Sudanese organization in the Netherlands told Radio Dabanga that a rejected asylum applicant repatriated from the Netherlands in December 2017 was held immediately upon arrival at KIA for a few hours and was put under a daily reporting obligation to the security services.

'The Sudanese journalist and analyst Tajeldin Adam mentioned in his e-mail to the CGRS that three young Darfuris arrived on 10 January 2018 at KIA with ETDs on a flight from Juba (South-Sudan). The point of departure of their journey is unknown. They were immediately arrested and taken to an unidentified location. A member of the Hizb al-Umma, who was approached by their families for help, was able to see the NISS officer in charge. Negotiations about their release were underway. The NISS did not give any reason for their detention.'[95]

Back to Contents

[90] USSD, 'Country Report on Human Rights Practices for 2017' (section 2d), 20 April 2018, url
[91] Amnesty International, 'Activists Deported From Saudi Arabia Detained', 26 July 2017, url
[92] ADHRB, 'Saudi Government Deports Three Sudanese HRDs …', 3 August 2017, url
[93] Amnesty International, 'Urgent Action' 24 August 2017, url
[94] Amnesty International, 'Urgent Action', 3 October 2017, url
[95] Belgian CGRS, COI Focus (section 2.4, other countries), 6 February 2018, url

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

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

Back to Contents

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.

Back to Contents

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

Back to Contents

Bibliography

Sources cited

Americans for Democracy and Human Rights in Bahrain, 'Saudi Government Deports Three Sudanese HRDs, Puts them at Risk of Torture', 3 August 2017, http://www.adhrb.org/2017/08/saudi-government-deports-three-sudanese-hrds-puts-risk-torture/. Last accessed 20 June 2018.

Amnesty International

'Activists Deported From Saudi Arabia Detained', 26 July 2017, https://www.amnesty.org/download/Documents/AFR5467682017ENGLISH.pdf. Last accessed 20 June 2018.

'Urgent Action' 24 August 2017, https://www.amnesty.org/download/Documents/AFR5469922017ENGLISH.pdf. Last accessed 20 June 2018.

'Urgent Action', 3 October 2017, https://www.amnestyusa.org/wp-content/uploads/2017/08/uaa15717.pdf. Last accessed 20 June 2018.

Australian Government, Department of Foreign Affairs and Trade, 'DFAT Country Information Report - Sudan', 27 April 2016, http://dfat.gov.au/about-us/publications/Documents/country-information-report-sudan.pdf. Last accessed 18 June 2018

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Darfur - COI compilation', September 2017, https://www.ecoi.net/en/file/local/1410452/90_1506666527_accord-coi-compilation-darfur-september-2017.pdf. Last accessed 7 June 2018.

Belgian Government, Commissioner for Refugees and Stateless Persons

'COI Focus, Sudan: Risk upon return', 6 February 2018, http://www.cgra.be/sites/default/files/rapporten/coi_focus_sudan._risk_upon_return_1.pdf. Last accessed 6 June 2018

Report on Sudan, 'Respecting the principle of non-refoulement when organizing the return of persons to Sudan', 8 February 2018, http://www.cgra.be/en/news/report-sudan. Last accessed 7 June 2018.

Canadian Government, Immigration and Refugee Board of Canada, '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. Last accessed 19 June 2018

European Migration Network,

'Summary of the EMN Ad-Hoc Query No. 2018.1263, EMN ad hoc query on return to Sudan, Requested by BE EMN NCP on 18 January 2018', 14 March 2018, https://emnbelgium.be/publication/emn-ad-hoc-query-returns-sudan. Last accessed 5 June 2018.

'EMN Ad-Hoc Query on BE EMN NCP AHQ on return to Sudan, Compilation of answers', undated, https://emnbelgium.be/publication/emn-ad-hoc-query-returns-sudan. Last accessed 6 June 2018.

Flanders News, 'Deported Sudanese migrants say they were tortured', 20 December 2017, http://deredactie.be/cm/vrtnieuws.english/News/1.3117089. Last accessed 19 June 2018

Foreign and Commonwealth Office

'Human Rights and Democracy: The 2012 Foreign and Commonwealth Office Report', https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408376/Cm_8593_Accessible_complete.pdf. Last accessed 19 June 2018

Letter from the British Embassy, Khartoum, 29 September 2016, See Annex A

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

Letter from the British Embassy, Khartoum, 19 February 2015, See Annex C

Human Rights Watch, '"Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel', 9 September 2014, https://www.hrw.org/report/2014/09/09/make-their-lives-miserable/israels-coercion-eritrean-and-sudanese-asylum-seekers. Last accessed 19 June 2018

The Guardian, 'Arrested, beaten and tortured: young Briton describes year of terror in Sudan', 6 August 2012, https://www.theguardian.com/world/2012/aug/06/arrested-beaten-tortured-briton-sudan. Last accessed 18 June 2018

UK Home Office,

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' August 2016, https://www.gov.uk/government/publications/sudan-country-policy-and-information-notes. Last accessed 6 June 2018

Immigration statistics, 'Returns data tables immigration statistics year ending March 2018 volume 5', table rt 05q, 24 May 2018, https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2018-data-tables. Last accessed 5 June 2018.

US State Department,

'Country Reports on Human Rights Practices for 2015', Sudan, April 2016, https://www.state.gov/j/drl/rls/hrrpt/2015humanrightsreport/index.htm#wrapper . Last accessed 19 June 2018

'Country Reports on Human Rights Practices for 2016', Sudan, March 2017, https://www.state.gov/j/drl/rls/hrrpt/2016humanrightsreport/index.htm#wrapper . Last accessed 19 June 2018

'Country Report on Human Rights Practices for 2017', Sudan, 20 April 2018, https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper. Last accessed 19 June 2018

Waging Peace,

Recent cases of post-deportation risk, January 2017, http://wagingpeace.info/wp-content/uploads/pdfs/Post-deportation_update_January_2017.pdf. Last accessed 19 June 2018

'The Danger of returning home: The perils facing Sudanese immigrants when they go back to Sudan', September 2012, http://wagingpeace.info/wp-content/uploads/pdfs/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf. Last accessed 19 June 2018

'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://wagingpeace.info/wp-content/uploads/pdfs/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf. Last accessed 19 June 2018

Back to Contents

Terms of reference

The following topics were identified prior to drafting as relevant to note; research was undertaken to obtain information on these topics where available:

- Returns statistics
- Exit/ entry procedures
    - Exit
    - Entry
- Treatment of returnees – general
    - Monitoring
    - Returns – general
    - Profiles – ethnicity
    - Profiles – political activity
- Allegations of ill-treatment/ difficulties on return
    - Returns from the UK
    - Returns from Belgium
    - Returns from France
    - Returns from Italy
    - Returns from Israel
    - Returns from Jordan
    - Returns from other countries

Back to Contents

Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **02 August 2018**

Changes from last version of this note

Update of Guidance and COI to include the Belgian immigration authority's review on returnee allegations.

Back to Contents