



Sudan – Researched and compiled by the Refugee Documentation Centre of Ireland on 3 December 2014

Any information on how the returned Darfurese (Darfuris) are being treated in the country of origin?

Any information whether the persons who have been returned are in any way punished for leaving the country illegally and/or applying for asylum in EU?

Any information whether there are differences in the treatment of returnees if they belong to Arab or non-Arab tribe?

The English-language Summary of a report published by the Norwegian Country of Origin Information Centre (Landinfo) states:

“The scope of political activity critical of the regime is restricted in Sudan, especially for parties and groups working for a more pluralistic society. Conditions for oppositional activists have deteriorated since South Sudan got its independence in July 2011. Sudanese security forces have used brutal means to stop waves of popular demonstrations in June-July and September-October 2012, and in September-October 2013. The main instrument of political oppression is the National Intelligence and Security Service (NISS), which uses a range of forceful means to restrict political activity and freedom of speech. Political activity inside Sudan is not the sole focus of the Sudanese regime, which also tries to limit such activity among Sudanese abroad through monitoring exile communities. Although there is no concrete evidence to support that forced returnees to Sudan face problems with security forces, Landinfo can see no reason why Sudanese authorities should differentiate between political activities outside and inside Sudan, provided their aim is to change the political situation in Sudan in ways threatening president Umar al-Bashir’s regime.” (Norwegian Country of Origin Information Centre (Landinfo) (11 November 2013) *Sudan: Handlingsrom for regime-kritisk politisk aktivisme*, p.3)

A report published by the UK-based charity Article 1 in association with the London-based NGO Waging Peace, reproduces the following letter from the British Embassy in Khartoum to the UK Border Agency:

“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.” (Article 1 & Waging Peace (September 2014) *The Long Arm of the Sudanese Regime*, p.33)

Referring to the possible arrest of persons returning to Sudan this letter states:

“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.” (ibid, p.33)

This report is largely based on the testimonies of persons who were detained upon their return to Sudan. This includes the testimony of a woman from Darfur who states:

“When the plane landed in Khartoum, I walked off of the plane and into the airport. I had gone through security in the airport, and I had shown my passport. Everything seemed ok at this point. Then as I was going out to see my husband when two men stopped me and told me to come with them. I asked them where they wanted to take me, and they said, ‘You will know when we go there.’ I said my children and husband were right outside and I wanted to see them. They told me, ‘Not now.’ I said to them, ‘Let me see them and tell them that I will go with you. But let me see them at least.’ They said no. I shouted for my husband but they forced me to get into a car without getting to speak to him. My family didn’t know where they took me. From the airport, I was in the car for about 10-15 minutes before we arrived at the building. I think it was a Security Systems Building. We arrived at the security building, less than 15 minutes’ drive from the airport. The men took me to see another officer who was waiting for me. He asked me where I was coming from. I said I was coming from London. He said to me, ‘Why did you go there?’ I said for training. He hit me hard and said, ‘Don’t lie to me.’ I said I was not lying, but still he did not believe me. He showed me a photo of me in London with my JEM friend. The photo showed us at a coffee shop on a street near to Westfield shopping centre in Shepherd’s Bush. There was me, my friend, and his friend that he had brought with him whom I had not met before. I said those were just my friends. He also showed me a photo of me at the SRF event in London. My JEM friend had also been at this event with me. I think that whoever had taken these photos had maybe been following my JEM friend.” (ibid, pp.46-47)

Regarding her treatment in detention this woman states:

“For three days they kept me at this place, hitting me every day, all the time. I can’t explain everything they did to me. I refused to say I did something that I hadn’t done. When I told them I was pregnant, they started to kick me in my stomach. If I asked them for food they would hit me. I was so tired. There were different people hitting me, and sometimes it was one, sometimes two, and sometimes three people. I was hit a lot with something like a long pipe that was a similar material to a garden hose. I became unconscious and woke up later.” (ibid, p.47)

Also included in this report is the testimony of a Darfurian from the Berti tribe who was returned to Sudan after being deported from France:

“Later that day a group of men, which was a mix of police, military men, and NISS security forces, found me. They didn’t even ask me any questions, and they just started physically abusing me by hitting me on the head and all over my body. They claimed I was a rebel without making any sort of investigation or giving me any chance to defend myself. I always have bad luck. I want the whole world to know about what has happened to me and to others. This area I was in was about 13 hours driving from Heglig (also known as Panthou), and near to the oil pipeline. The area was also near to Abyei. They treated me badly instantly, and then they took me to prison where I was accused of being part of a rebel group that was part of the opposition. I was expecting to be given a death sentence. I was held in prison for about five months. While I was in there, they told me they would kill me if I did not admit that I was part of the rebel group that had killed government soldiers. I told them I had not done anything. They wanted me to admit the number of people I had killed from the police and NISS. I just said them that it was not me. I told them that I had just come back from France and that the UN people had actually brought me to the area. Then they asked me why I had gone to France in the first place. The fact that I told them I had gone to France became problematic, because then they thought I was working with the French, and that I was spying on the Sudanese government for them. They actually thought that I was working for the Western countries. They also asked me about being Darfurian. I told them that I was from Darfur, from Mahadariya. They replied, ‘Yes you are, you Darfurians are all militias.’” (ibid, p.51)

Regarding his treatment in prison this asylum seeker states:

“I was first in the Al Mujalat prison in 2012, from which I escaped. I was captured after three days and then they transferred me to the Al Odaya prison. I had very bizarre treatment while in prison. I was in a cell by myself. I was treated like a traitor, as a spy for Western countries. I was tortured, not given food or water, and they would come and hit me on a regular basis. They kept me hungry and deprived of water. I escaped from the first prison, but they caught me again. I tried to escape because I was told I would be given the death penalty in six weeks’ time. There were no court proceedings, no lawyers, and no legal documents. But I was informed that I would be hanged in six weeks.” (ibid, pp.51-52)

A report published by Waging Peace in 2012 recounts the treatment of a man from Darfur who was returned to Sudan after the rejection of his application for asylum in the UK as follows:

“Mr M was moved from Khartoum airport to a ‘Ghost House’, a National Security Service House, in Khartoum. He spent one-and-a-half years in the Ghost House where he subjected to interrogation and torture every two to three days. He was not told why he was being detained and he was held incommunicado. Approximately seven or eight other political prisoners were held in the Ghost House with most staying for a few months before they were moved on; Mr M’s lengthy detention was unusual. The majority of people in the Ghost House were Darfuri, but not all, some from the South and the East of the country. All were male. Mr M would be interrogated by two or three National Intelligence staff every two to three days and the questioning would always involve him being tortured. His treatment by NISS got worse over time. Mr M was beaten, sometimes by hand, sometimes using a metal pipe or the butt of a rifle, all over his body including on his head. He was burnt by cigarettes on his hands and leg. Mr M was sometimes forced to stand in the heat of the sun for the entire day, and was regularly ordered to remain standing all night. Cold water was thrown on him whilst he was sleeping. He was regularly shouted at and verbally insulted. Mr M was also regularly threatened with death, as were his family and all other African Darfuris.”
(Waging Peace (September 2012) *The Danger of Returning Home: The perils facing Sudanese immigrants when they go back to Sudan*, pp.37-38)

Similarly, this report describes the treatment of a Darfurian from the Fur tribe upon his return to Sudan:

“While standing in the immigration line in Khartoum International Airport, he was approached by six or seven border security guards. When he confirmed his identity they took him to a small room in the airport. They took his travel document and told him they did not care about it; they only cared about him. There was one other person in the room with him: a Darfurian who had arrived from France. Mr Badaoui was kept in the cell for eight or nine hours before six policeman arrived. The officers handcuffed his hands behind his back, blindfolded him and led him to a car. Fifteen to twenty minutes later, the car arrived at a nearby prison. He was let out of the car in an underground area with no light. Mr Badaoui was then taken to a small, overcrowded room that held approximately twenty other people, many of whom had recently returned from Europe. Two of them said they had been in France, and two or three others said they had been in Holland. All of the prisoners had been arrested at the airport.” (ibid, p.40)

A Human Rights Watch report on the treatment of asylum seekers returning from Israel states:

“Some Sudanese who returned to Sudan 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.” (Human Rights Watch (9 September 2014) *“Make Their Lives Miserable”: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel*, p.42)

Recent media reports on the treatment of individual asylum seekers returning to Sudan were scarce among sources available to the Research and Information Unit. A 2007 article from UK newspaper The Guardian quotes a Darfuri returned from Britain as follows:

“When I arrived at the airport an officer said to me, ‘come here you donkey’,’ he remembered. ‘They took me into a small office and slapped me around and kicked me.’ As he continued to deny he was Darfuri, the officers became frustrated. ‘Later I was blindfolded, and taken to another location in a car,’ he said. ‘Then I was in a room, and I was tied to a chair. After they tied me up, they beat me.’” (The Guardian (28 March 2007) *I was expecting to die*)

A 2009 article from UK newspaper The Telegraph on the killing of a returned Darfuri asylum seeker states:

“Adam Osman Mohammed, 32, was shot dead in his home in front of his wife and four-year-old son just days after arriving in south Darfur, it is claimed. Mr Mohammed, a non-Arab Darfuri, came to Britain seeking sanctuary from persecution in Sudan, where he said his life was in danger. The village where he was a farmer had been raided twice by the Janjaweed, the ethnic Arab militia, forcing him and his wife and child to flee their home. Mr Mohammed became separated from his wife during a second attack on the village a few weeks later and escaped to Chad before making his way to the UK in 2005. He lived in Birmingham for three years but his appeal for asylum was finally turned down last year and he returned to Darfur. In August he was flown to Khartoum under the Home Office's assisted voluntary return programme, in which refugees are paid to go back to their country of origin. He stayed in Khartoum for a few months and then, when he believed it was safe, he travelled to Darfur to be reunited with his family. Mr Mohammed's cousin, Mohamed Elzaki Obubeker, who is chairman of the Darfur Union in the UK, said: ‘The government security forces had followed him to another village, Calgoo, where his wife and child had sought help. They came to the village to find him and then targeted him. They shot him in front of his wife and son.’” (The Telegraph (17 March 2009) *Failed asylum seeker murdered after returning to Darfur*)

An article from The Telegraph on the arrest of a Darfuri refugee states:

“Badaoui Malik Badaoui, a Darfur refugee, was arrested at Khartoum airport in July last year to face questions about his attendance at demonstrations at Downing St and outside the Sudanese embassy in St James in 2010. Over a period of nine days in detention, he suffered daily beatings after undergoing questions for shaming Darfur. Another activist, who has applied for asylum, known only as Yassir said he was also held last January just months after attending an even in the House of Lords about Sudan descent in conflict in three restive provinces. He is convinced that the security agents at Khartoum airport were acting on intelligence gathered in London.” (The Telegraph (9 January 2013) *Sudanese 'diplomats spying for agents that torture in Khartoum'*)

A report from the Middle East Institute, a Washington-based think tank, contains the following assessment of the situation in Khartoum for internally displaced Darfuris:

“In Khartoum, many Darfuri IDPs instinctively try to assimilate to avoid standing out and attracting the attention of frequently hostile authorities. This sense of insecurity drives the IDPs to assume the identity of ‘urban poor’ rather than being identified as migrants because of the stigma associated with forced migration. The fears of some of these IDPs came true after the rebel Justice and Equality Movement (JEM) attacked the capital Khartoum in May 2008. The GoS security services rounded up many Darfuris in search-and-detain operations that combed through areas of the capital where the IDPs were believed to live. The government established roadblocks in some areas and forced people out of their vehicles or public transportation. Many were held for days or even months without trial and there are credible reports of torture and human rights abuses.” (Middle East Institute (30 March 2011) *Facing the Unknown: The Continuing Challenge of Assisting the Protracted Displaced in Darfur and Eastern Chad*, p.9)

A report from the Netherlands-based pro-Darfuri news source Radio Dabanga states:

“Security authorities arrested 25 students from Darfur upon their arrival at the Khartoum airport on Sunday morning, 20 January, witnesses reported. A source who works at the airport said that a large number of security forces were waiting for the students at the airport’s arrival hall, where they were detained. He told Radio Dabanga that senior officers were pointing at the students, who were among the other arriving passengers, indicating who they would arrest. All of the students were coming from Amman, Jordan’s capital, and most of them were in their twenties, the source pointed out. The reason for the arrests remains unclear.” (Radio Dabanga (21 January 2013) *25 Darfur students arrested at Khartoum airport*)

A paper published by the International Refugee Rights Initiative on the situation for refugees returned to the Darfur region states:

“The findings demonstrate that ‘return’ is failing to take place ‘voluntarily, in safety and with dignity,’ as required by the UN Guiding Principles on Internal Displacement. Instead, it is operating within the same political dynamic as the ongoing conflict and is building on, rather than challenging, that dynamic. Although localised agreements are being reached between returnees and militias, and are, at some level, creating benefits by reducing outright violence and alleviating some of the food shortages, they are fundamentally unfair and are potentially feeding the broader war economy: inevitably, those with weapons are negotiating from a stronger position than those without. These agreements fail to create an environment in which tensions over land distribution and resource allocation can be addressed in any sort of sustainable way. Communities that might accept such arrangements as a result of precarious conditions in the camps are unlikely to accept them for long, and the injustice is likely to seed new feelings of marginalisation and exclusion – and possibly future conflict. Ultimately, therefore, ‘return’, understood not merely as a physical movement but as a resolution to displacement, is a deeply problematic description for what is currently taking place in Darfur. While returning physically, for the most part people are doing so in a way that would not meet even the most basic criteria of return as a durable solution.” (International Refugee Rights Initiative (IRRI) (July 2014) *It*

is a joke”: Ongoing conflict in Sudan’s Darfur region and controversies over “return”, p.4)

No information was found to possible penalties or punishment for leaving Sudan illegally.

A report published by the International Organization for Migration mentions the requirement of obtaining an exit visa when leaving Sudan:

“Sudanese nationals and residing foreigners may leave the Country only upon issuance of an exit visa granted by the competent ministerial authorities, unless they are less than 18 years, Sudanese women or visitors for periods less than three months.” (International Organization for Migration (IOM) (2011) *Migration in Sudan: A Country Profile 2011*, p.72)

See also the 2013 US Department of State country report on Sudan which, in a section titled “Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons” (paragraph headed “Foreign Travel”), states:

“The government requires citizens to obtain an exit visa if they wish to depart the country. Issuance was usually pro forma, and the government rarely used the visa requirement to restrict citizens’ travel.” (US Department of State (27 February 2014) *2013 Country Reports on Human Rights Practices – Sudan*, p.25)

No information was found which specifically referred to the treatment of returnees on the basis of their being Arab or non-Arab. A working paper published by the International Refugee Rights Initiative, in a section titled “Exclusion on the basis of culture or race” refers to allegations of discrimination by non-Arab Sudanese on the basis of their ethnicity:

“Specifically, people talked about the fact that they were being marginalised and targeted on the basis of race and/or culture. As one man said, ‘There is discrimination and injustice against black people,’ a sentiment that was echoed repeatedly throughout the interviews. As a man from the Nuba Mountains said, ‘The war [in the Nuba Mountains] has affected my being in Khartoum a lot. I am originally from Southern Kordofan and everyone from there is now seen as a fifth column whether in social life or the work place. In other words, black people are no longer welcomed among the Arabs and are seen as slaves. We just live our lives in fear of the security.’ He later said, ‘I wish there were development in my home area, Dilling, so that we can go and live there again.’ As a man who fled the Nuba mountains in 2000 because of war said, ‘We are just slaves.’ A woman from Southern Kordofan, who sells tea, said: ‘blacks are considered lower among Arabs – whether in the work place or in different policies. Arabs think that they are cleverer and superior and that blacks are slaves.’ Another man said, ‘if you are black and go to hospital you will not be treated because you are black.’ This was echoed by a nurse described what happened in the hospital where she works: ‘the government treats me very differently to Arabs because I look black and not beautiful. Even in the hospital there was a decision that any black woman who comes in for delivery should be operated even if she can give birth without an operation. Now in Khartoum you can see whole areas with no

electricity or water just because they are areas with black people. The government doesn't care if they live thirsty or in darkness because they are black and they have to suffer.'" (International Refugee Rights Initiative (IRRI) (May 2013) *The Disappearance of Sudan?: Life in Khartoum for citizens without rights*, p.11)

Referring to expressions of discrimination on the basis of appearance this paper states:

"In particular, people talked of how they were discriminated on the basis of what they looked like, regardless of whether they were from the South or not. As one woman, from South Sudan, said: 'As Southerners, our features cannot be hidden.' Likewise a man from the Nuba Mountains said, 'I have never been asked to present my ID. My features are enough to tell where I am from.' As a man from Darfur said, when asked if he is ever asked to show identity papers replied: 'Yes. I have to carry my passport every time with me because the police and security are always asking where do I work and what is my identity... This happens every time when the police see anyone not looking brown as people in Khartoum. They always ask me where I am from and what I am doing.' He later said that he had been arrested and interrogated 'just because I am from Darfur.' His story was echoed by another man from Darfur who talked of checkpoints coming in to Khartoum: 'we were ordered by the police and security to get down, checked and asked where we come from... If you are black you will be checked but if you are light they don't check you.'" (ibid, p.11)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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