

COI Focus

SUDAN

Risk upon return

6 February 2018

Cedoca

Original language: Dutch

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All the sources used are briefly mentioned in a footnote and described in detail in a bibliography at the end of the document. Sources which have been consulted but which were not used are listed as consulted sources. In exceptional cases, sources are not mentioned by name. When specific information from this document is used, the user is asked to quote the source mentioned in the bibliography.

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Table of contents

List of abbreviations	4
Introduction	5
Contact persons and other sources	5
1. Overview of documented repatriations to Sudan	10
1.1. Returns from European countries.....	10
Belgium	10
Italy	10
France	11
Germany.....	12
The Netherlands	12
Norway.....	12
Other member states	13
1.2. Returns from non-European countries	13
Jordan	13
Israel	14
Returns from neighbouring countries	15
2. Treatment of Sudanese returnees by the Sudanese authorities	16
2.1. Arrival procedures at Khartoum International Airport (KIA).....	16
2.1.1. Immigration procedures and security check	16
2.1.2. Exit visa	18
2.1.3. Issuing of travel documents to rejected asylum applicants.....	19
2.2. Monitoring of returnees	20
2.3. Risk upon return.....	22
2.3.1. General risk in case of voluntary or forced repatriation.....	22
2.3.2. Risk profiles.....	25
Ethnic profiles.....	26
Political profiles	29
2.4. Overview of reported problems with the authorities upon arrival in Khartoum	31
Jordan	31
Israel	33
Italy	35
United Kingdom.....	36
France	37
Other countries.....	37
Belgium	38
3. International jurisprudence on repatriation to Sudan	39
3.1. UK Upper Tribunal	39
MM (Darfuris) Sudan CG [2015] UKUT 00010 (IAC), 05/01/2015.....	40
IM and AI (Risks – membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016], 14/04/2016.....	41
3.2. European Court of Human Rights (ECtHR).....	42
Case of A.A. v. Switzerland, 07/01/2014.....	42
Case of A.F. v. France, 15/01/2015.....	43
Case of A.A. v. France, 15/01/2015.....	43
Case of R.B.A.B. and others v. the Netherlands, 07/06/2016.....	44
Case of A.I. v. Switzerland, 30/05/2017	44
Case of N.A. v. Switzerland, 30/05/2017	45
Case of W.A. and Others v. Italy	45

4. The National Intelligence and Security Service (NISS)	46
4.1. Legal powers.....	46
4.2. Human rights violations.....	46
4.3. Surveillance of the diaspora	47
Summary	49
Annexes	51
Bibliography	57

List of abbreviations

ACCORD	Austrian Centre for Country of Origin & Asylum Research and Documentation
ACJPS	African Centre for Justice and Peace Studies
AFIIP	African International Institute for Peace
ASGI	Associazione Studi Giuridici sull'Immigrazione
ASSAF	Aid Organization for Refugees and Asylum Seekers in Israel
CGRS	Office of the Commissioner General for Refugees and Stateless Persons
COI	Country of Origin Information
DBA	Darfur Bar Association
DFAT	Department of Foreign Affairs and Trade
DRDC	Darfur Relief and Documentation Centre
DVZ	Dienst Vreemdelingenzaken (Belgian Immigration Office)
DWAG	Darfur Women Action Group
EAC	European and African Centre for Research, Training and Development
EHAHRDP	East and Horn of Africa Human Rights Defenders Project
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EMN	European Migration Network
ETD	Emergency Travel Document
EU	European Union
HUDO	Human Rights and Development Organization Centre
ICG	International Crisis Group
IRIN	Integrated Regional Information Networks
IRRI	International Refugee Rights Initiative
HRW	Human Rights Watch
IOM	International Organization for Migration
KACE Sudan	Al-Khatim Adlan Center for Enlightenment
KIA	Khartoum International Airport
MOU	Memorandum of Understanding
NISS	National Intelligence and Security Service
NHRMO	National Human Rights Monitors Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
RSF	Rapid Support Forces
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees
USDOS	United States Department of State

Introduction

This COI Focus describes the risks faced by Sudanese nationals upon return to Sudan, especially in the case of forced repatriation.

The first chapter gives an overview of cases of repatriation in and outside Europe that have been reported in the international press and by a number of sources consulted by the CGRS. The second chapter details the arrival procedures at Khartoum International Airport (KIA) which returnees have to follow and the attendant risks. This chapter also examines cases reported by the press and other sources where Sudanese experienced problems with the Sudanese authorities after their return. The third chapter comments on recent cases of repatriation to Sudan heard before the European Court of Human Rights (ECtHR) and the British Upper Tribunal. The last chapter describes the powers and reputation of the National Intelligence and Security Service (NISS) of Sudan.

The research is mainly focussed on the risk for Sudanese voluntary or forced returnees, be they rejected asylum applicants or migrants who did not apply for asylum. Although the risk upon return is not unrelated to the general security and human rights situation in Sudan, these aspects will only be marginally dealt with.

This COI Focus does not describe in detail how third countries treat Sudanese before their return but focusses on the way returnees are treated by the Sudanese authorities, during the identification and return procedures, but particularly upon arrival at KIA.

The testimonies of a number of Sudanese repatriated by Belgium in 2017 are only briefly mentioned and will not be assessed in detail. According to their testimonies, which were collected by Koert Debeuf, director of the Tahrir Institute, they were ill-treated by the authorities upon arrival in Sudan. These testimonies will be examined in detail in a separate note of the CGRS.

Contact persons and other sources

The CGRS consulted a number of intergovernmental, governmental and non-governmental sources.

In order to obtain more information on voluntary and forced returns to Sudan, especially to Khartoum, the CGRS contacted the International Organization for Migration (IOM). The IOM replied by e-mail on 12 January 2018.¹ UNHCR was also contacted and replied by e-mail on 23 January 2018.²

The Belgian embassy in Cairo, who is also competent for Sudan, has forwarded a CGRS query about repatriation to Sudan to the embassies in Khartoum of Sweden, Spain, Germany, France, the United Kingdom, the Netherlands, Italy, Switzerland and Norway. The CGRS received a public answer only from the German embassy.³ The CGRS unsuccessfully asked the Delegation of the European Union in Sudan for information, in an e-mail sent on 17 January 2018.

The CGRS further requested information from a range of non-governmental sources who are familiar with the situation in Sudan such as Khartoum-based human rights organizations and activists, Sudanese NGOs based abroad, international human rights organizations working on Sudan and researchers and analysts with expertise on Sudan. The following questions were submitted to them:

¹ International Organization for Migration (IOM) Brussels, e-mail, 12/01/2018

² Office of the United Nations High Commissioner for Refugees (UNHCR) Brussels, e-mail, 23/01/2018

³ German embassy in Khartoum, e-mail, 24/01/2018

1. Do you have any information on the treatment of Sudanese nationals (failed asylum seekers or others) who are being forcibly or voluntarily returned to Sudan through Khartoum International Airport. Are such individuals likely to experience any problems with the Sudanese authorities at the airport or afterwards, such as questioning, harsh treatment, detention or other problems?
2. Are returnees with a specific profile (ethnic, political, religious or other) more likely to encounter such problems with the Sudanese authorities at Khartoum International Airport or afterwards?
3. Do you have knowledge of concrete and specific examples of Sudanese returnees encountering problems at Khartoum International Airport or afterwards with Sudanese authorities? Can you provide details?
4. Do you have any knowledge of the security procedures at Khartoum International Airport in general, and specifically for returnees (be it forced or voluntary)? Would these procedures be different for those in possession of a valid passport compared to those with an emergency travel document (such as laissez-passees delivered to forced returnees without a valid passport)?
5. Do you know of any organizations monitoring or following up on the situation of returnees or organizations where returnees might turn to in case of problems?

Their answers have been included or summarized in this COI Focus. A number of contacts, mainly based in Sudan, wished to remain anonymous for security reasons.

- Peter Verney is a researcher and journalist who has been publishing for some time on Sudan, inter alia on the Sudan Update website⁴, and has worked with several NGOs. He is also consulted as a country expert in Sudanese asylum cases in the United Kingdom and the United States of America. On 20 January 2018, he sent a document with his observations to the British Home Office about the risk upon return and the possible internal flight alternatives for non-Arab Sudanese.⁵
- Magnus Taylor is an analyst for Crisis Group's Horn of Africa project, where he is responsible for Sudan and Uganda. He was formerly editor of African Arguments, a pan-African platform for news, investigation and opinion. The CGRS had an interview with Magnus Taylor on 11 January 2018.⁶
- Geir Juell Skogseth is country analyst at Landinfo, the Country of Origin Information (COI) research centre for the Norwegian asylum authorities. Sudan is one of his countries of expertise. He replied by e-mail on 11 and 12 January 2018.⁷
- Jérôme Tubiana is an independent conflict analyst who has observed armed conflicts in Sudan, South Sudan, Chad and the Horn of Africa. He has worked for the United Nations Panel of Experts on Darfur, Small Arms Survey, ICG and for NGOs active in Sudan and Chad. He is the author of a number of publications on Sudan, especially Darfur, and on other countries in the region. He sent his answer by mail on 12 and 22 January 2018. This COI Focus also includes information sent by Jérôme Tubiana on 19 September, 1 October and 6 November 2017 for earlier research.⁸

⁴ Sudan Update [website], s.d., [url](#)

⁵ Verney P., 10/01/2018 [e-mail received on 10/01/2018]

⁶ Taylor M., Sudan and Uganda analyst, International Crisis Group (ICG) Horn of Africa project, interview, 11/01/2018

⁷ Skogseth G.J., Sudan expert at Landinfo, e-mails, 11/01/2018, 12/01/2018

⁸ Tubiana J., independent journalist and expert on Sudan, Chad, the Horn of Africa, e-mails, 19/09/2017, 01/10/2017, 01/10/2017, 06/11/2017, 12/01/2018, 22/01/2018

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- Eric Reeves, senior fellow at the François-Xavier Bagnoud Center for Health and Human Rights at Harvard University, has been conducting research on Sudan and Darfur for almost twenty years. He testified before the US Congress and has served as an expert-witness in asylum cases in Europe and the United States. As a consultant, he has collaborated with a number of humanitarian organizations in Sudan. He has authored works on the recent history of Sudan and Darfur.⁹ Eric Reeves replied by mail on 13 and 15 January 2018.¹⁰
 - Suliman Baldo, an American researcher of Sudanese origin, is currently the UN Independent Expert on the situation of human rights in Mali. He is senior advisor for the Enough Project, which promotes peace and good governance in African conflict areas. He formerly worked for the International Center for Transitional Justice (ICTJ), ICG and Human Rights Watch (HRW), as well as for the Kampala-based Sudan Democracy First Group. He is the author of several publications on governance, democracy and migration in Sudan. Suliman Baldo replied by e-mail on 15 January 2018.¹¹
 - Alhadi Agabeldour is a Sudanese writer, poet and human rights activist. He is director of the Brussels-based African International Institute for Peace (AFIIP). He replied by e-mail on 15 January 2018.¹²
 - Abdelrahman Mohamed Elgasim, a Sudanese lawyer, is External Relations Secretary at the Darfur Bar Association (DBA). He had to flee Sudan and lives in Kampala. He has worked with victims of the conflict in Darfur. Abdelrahman Mohamed Elgasim replied by e-mail on 16 January 2018. He specified in his e-mail that he consulted his colleagues of the DBA's executive board and several leaders of Darfuri organizations, such as the Darfur Civil Society Forum (DACIF).¹³
 - Bushra Gamar is a Sudanese human rights activist and director of the Kampala-based Human Rights and Development Organization (HUDO), a Sudanese human rights and development organisation which initially addressed the situation in South Kordofan before extending its activities to the whole of Sudan. Bushra Gamar replied by e-mail on 16 January 2018.¹⁴
 - Ahmed Elzobier is Amnesty International's researcher for Sudan. Amnesty International does not have an office in Khartoum and monitors the situation in Sudan from its regional office in Nairobi.¹⁵ Ahmed Elzobier replied by e-mail on 17 January 2018.¹⁶
 - The African Centre for Justice and Peace Studies (ACJPS) was created in 2009 with sections in Uganda and the United States. It is monitoring and promoting respect for human rights and legal reform in Sudan. This NGO replied on 18 January 2018.¹⁷ Its reply corresponds to a great extent with the report of the British-Danish immigration authorities, who met the ACJPS in Kampala in early 2016.¹⁸
 - Tajeldin Adam is Sudanese journalist living in Brussels. He has worked for Radio Dabanga, a Sudanese diaspora radio station, and for the British Broadcasting Corporation (BBC). He is currently an analyst at a human rights organization, the Commission for International Justice &

⁹ SUDAN. Research, Analysis, and Advocacy (Reeves E.) [blog], s.d., [url](#)

¹⁰ Reeves E., Sudan expert and consultant, François-Xavier Bagnoud Center for Health and Human Rights, Harvard University, e-mails, 13/01/2018, 15/01/2018

¹¹ Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018

¹² Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

¹³ Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018

¹⁴ Gamar B., director of the Human Rights and Development Organization (HUDO), e-mails, 16/01/2018, 17/01/2018, 18/01/2018

¹⁵ Vice News (Chandler C.), 25/02/2016, [url](#)

¹⁶ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018

¹⁷ African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018

¹⁸ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 32-35, [url](#)

Accountability (CIJA). He replied by e-mail on 22 January 2018. This COI Focus also includes information sent by Tajeldin Adam on 29 September 2017 for earlier research.¹⁹

- Mukhtar Albaqir is director of a Sudanese organization based in Kampala, the Al-Khatim Adlan Center for Enlightenment (KACE Sudan). KACE sets up projects promoting human rights, democracy and peace building. Mukhtar Albaqir replied by e-mail on 22 January 2018.²⁰
- Maddy Crowther is co-founder of Waging Peace, a UK-based NGO which campaigns against human rights violations in Sudan and assists Sudanese asylum applicants, refugees and the diaspora in the UK, together with another non-profit organization, Article 1. Waging Peace has published several reports on the risk for Sudanese returnees. Maddy Crowther replied by e-mail on 23 January 2018.²¹
- Abdelrahman El Faki is a researcher at McMaster University, Canada, who is researching a doctoral thesis on Darfuri migrants and refugees in Canada and also conducts research for the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) of the independent research project Small Arms Survey. He replied by e-mail on 24 January 2018.²²
- Jibril Abdelbagi is director of the Darfur Relief and Documentation Centre (DRDC). The DRDC was created in Geneva in 2004 and provides independent analysis on armed conflicts and peace-building in Darfur. Jibril Abdelbagi replied by e-mail on 24 January 2018.²³
- Niemat Ahmadi is founder and president of the Darfur Women Action Group (DWAG), a Washington-based NGO highlighting the power, stories and roles of women in Darfur, in Sudan and in the diaspora. She is a member of the Save Darfur Coalition, which aims at attracting public attention to the atrocities in Darfur. Niemat Ahmadi replied by e-mail on 25 January 2018.²⁴

The CGRS also submitted its request of information to the following:

- a collaborator of an international organization with several years of experience in Sudan, interviewed through Skype on 27 January 2018²⁵
- a Sudanese human rights activist in Khartoum (A), who replied by e-mail on 19 January 2018²⁶
- a Sudanese human rights lawyer in Khartoum, who replied by e-mail on 19 January 2018²⁷
- a Sudanese human rights activist in Khartoum (B), who replied by e-mail on 21 January 2018²⁸
- a Sudan expert of a prominent international human rights organization, who replied by e-mail on 21 January 2018²⁹
- a Sudanese human rights activist in Khartoum (C), interviewed through Skype on 23 January 2018³⁰
- a Sudanese journalist in Khartoum, who replied by e-mail on 23 January 2018³¹

¹⁹ Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mails, 19/09/2017, 22/01/2018

²⁰ Albaqir M., director of the Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018

²¹ Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

²² El Faki M., researcher at McMaster University in Canada, e-mail, 24/01/2018

²³ Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018

²⁴ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

²⁵ Collaborator of an international organization with several years of experience in Sudan, Skype interview, 17/01/2018

²⁶ Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018

²⁷ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

²⁸ Sudanese human rights activist in Khartoum (B), e-mail, 21/01/2018

²⁹ Sudan expert of a prominent international human rights organization, e-mail, 21/01/2018

³⁰ Sudanese human rights activist in Khartoum (C), Skype interview, 23/01/2018

- a Sudanese human rights activist in Khartoum (D), who replied by e-mail on 25 January 2018³²
- a Sudanese professor of human rights law, interviewed through Skype on 29 January 2018.³³

The CGRS also contacted Dario Belluccio, member of the Associazione Studi Giuridici sull'Immigrazione (ASGI), an Italian collective of lawyers and academics specialized in migration issues. Dario Belluccio is one of the lawyers who are defending five Sudanese before the European Court of Human rights (ECtHR). The five are part of the group of Sudanese who were forcibly repatriated by Italy in August 2016. In December 2016, he travelled with a colleague to Khartoum in order to meet their clients. The CGRS asked him how his visit turned out. He replied by e-mail on 23 January 2018.³⁴

In their replies, the sources contacted by the CGRS mention concrete facts, provide analysis and share opinions. When they use terms such as "interrogation", "arrest", "detention", "ill-treatment" or "torture" in discussing the voluntary or forced repatriation of Sudanese, this terminology is taken over in the present COI Focus.

The CGRS also used the findings of the joint British-Danish fact-finding mission in Khartoum, Kampala and Nairobi of February and March 2016 on the situation of persons from Darfur, South Kordofan and Blue Nile (also known as the "Two Areas"). The joint mission interviewed several governmental, non-governmental and intergovernmental sources.³⁵

Finally, the CGRS examined the jurisprudence of the ECtHR and the British Upper Tribunal, as well as reports from international human rights organizations, including Amnesty International and Human Rights Watch (HRW), the regional and international press, governmental sources such as the United Kingdom Home Office and the United States Department of State (USDOS), and non-governmental sources such as IOM and UNHCR.

³¹ Sudanese journalist in Khartoum, e-mail, 23/01/2018

³² Sudanese human rights activist in Khartoum (D), e-mail, 25/01/2018

³³ Sudanese professor of human rights law, Skype interview, 29/01/2018

³⁴ Belluccio D., lawyer, Associazione Studi Giuridici sull'Immigrazione (ASGI), e-mail, 23/01/2018

³⁵ United Kingdom Home Office, Danish Immigration Service, 08/2016, [url](#)

1. Overview of documented repatriations to Sudan

This overview of voluntary or forced repatriations to Sudan reported by the press or other public sources is by no means exhaustive. Most countries do not systematically publish detailed figures on returns. Moreover, the media are not necessarily informed of every forced removal or such removals do not always make it to the headlines. For several EU member states, unambiguous public data on repatriations are not available.

In a press release of September 2017, IOM stated that it provided assistance for the return of 347 Sudanese from 16 countries under the IOM's Assisted Voluntary Return and Reintegration (AVRR) programme in 2016-2017. More than half of them (209) were repatriated from Egypt. The other 138 were repatriated from Australia, Belgium, Bulgaria, Denmark, Estonia, Greece, Indonesia, Italy, Jordan, Libya, Malta, the Netherlands, Norway, Sweden, Switzerland and Turkey.³⁶

1.1. Returns from European countries

Belgium

In 2016, four Sudanese, all of them rejected asylum applicants, voluntarily returned to Sudan from Belgium. No forced returns to Sudan took place in 2016.

In 2017, nine Sudanese, eight of which were rejected asylum applicants, voluntarily returned to Sudan. In addition, ten Sudanese, including one Sudanese asylum applicant who abandoned his application, were forcibly returned.³⁷

In an e-mail of 12 January 2018 to the CGRS, the IOM provided some figures about the number of Sudanese who availed themselves of the AVRR programme:

"In 2016, IOM Brussels received 6 AVRR requests from Sudanese nationals to return voluntarily to Sudan out of which 4 persons effectively returned under the IOM Belgium AVRR programme.

In 2017, IOM Brussels received 12 AVRR requests from Sudanese nationals to return voluntarily to Sudan out of which 10 persons³⁸ effectively returned under the IOM Belgium AVRR programme.

In 2018, IOM Brussels received 2 new AVRR requests from Sudanese nationals but no departures have been foreseen yet."³⁹

Italy

On 3 August 2016, the Italian Police signed a Memorandum of Understanding (MOU) with their Sudanese counterpart. The two police services are to cooperate in the matter of identification, documentation (issuing laissez-passers) and return of Sudanese who did not apply for asylum. Upon request from the Italian authorities, representatives of the Sudanese authorities are authorised to conduct identification interviews in consular premises but also in ports, police stations and detention centres. A more thorough inquiry to establish a person's identity and nationality cannot be conducted in Italy, but only in Khartoum, according to the MOU. Forced return of asylum applicants is not allowed under the MOU but Amnesty International fears that the short, "superficial" identification procedure in Italy will lead to the rapid transfer of persons who risk severe human

³⁶ International Organization for Migration (IOM), 14/09/2017, [url](#)

³⁷ Dienst Vreemdelingenzaken (DVZ), e-mail, 05/02/2018

³⁸ DVZ, the Belgian Immigration Office, adds that one of them was a Somalian national: Dienst Vreemdelingenzaken (DVZ), e-mail, 09/01/2018

³⁹ International Organization for Migration (IOM) Brussels, e-mail, 12/01/2018

rights violations in Sudan.⁴⁰ In February 2017, Italy also signed similar MOUs with Tunisia and Libya, according to ASGI.⁴¹

On 24 August 2016, Italy forcibly returned, in accordance with the MOU, 40 or 48 Sudanese (sources do not agree on their number) who had been arrested in Ventimiglia while trying to cross the French-Italian border.⁴² According to the Sudanese authorities, the Italian government asked the Sudanese embassy to help with their identification for the purpose of their repatriation.⁴³ Other sources, including the Danish Refugee Council (DRC) and Amnesty International, have confirmed the involvement of Sudanese government officials.⁴⁴

A number of Sudanese arrested during the same police operation at Ventimiglia but who managed, with legal assistance, to avoid their repatriation, applied for asylum later on and were eventually recognized as refugees, according to ASGI. ASGI lawyers also lodged an application with the European Court of Human Rights (ECtHR) on behalf of Sudanese returnees.⁴⁵ (see also chapter 3. International jurisprudence on repatriation to Sudan)

France

According to Street Press, a self-declared “leftist” participative website⁴⁶, the French authorities have been collaborating with the Sudanese authorities since 2014. In internal memos, the Sudanese embassy mentioned regular meetings with the French police to identify rejected asylum applicants or other Sudanese migrants. In an internal memo, the Sudanese embassy also mentioned plans to establish an identification mission which would include members of the intelligence service. The website points out that 205 Sudanese nationals were forcibly expelled from France between 2014 and 2016.⁴⁷ According to official Eurostat data, 105 of them returned to Sudan, whereas the rest were sent to other European countries.⁴⁸

In early 2017, an identification mission comprising Sudanese government officials visited at least three removal centres. On at least two occasions, members of the identification mission presented themselves as collaborators of an NGO, according to Street Press.⁴⁹

In March 2017, France was set to repatriate 27 rejected Sudanese asylum applicants, mainly from Darfur and from the Nuba Mountains in South Kordofan, according to Radio Dabanga, a radio station of the Sudanese diaspora. In early April 2017, demonstrators in Paris demanded a suspension of the impending repatriations. According to Radio Dabanga, the French authorities earlier repatriated by force some 20 Sudanese who refused to return voluntarily.⁵⁰

In December 2017, Amnesty International reported the repatriation by France of a rejected Sudanese asylum applicant from South Kordofan, a conflict area. A Darfuri who was being held in a removal centre pending his repatriation was released by order of the local prefect. Following these

⁴⁰ Amnesty International, 03/11/2016, pp. 43-44, [url](#)

⁴¹ Associazione Studi Giuridici sull'Immigrazione (ASGI), s.d., pp. 19-20, [url](#)

⁴² According to Waging Peace, there was a first flight with 40 returnees and 8 others were put on other flights to Sudan: Waging Peace, 01/2017, [url](#) ; Amnesty International, 29/09/2016, p. 10, [url](#) ; Quartz Africa (Rhodes T.), 02/09/2016, [url](#)

⁴³ Radio Dabanga, 16/08/2016, [url](#)

⁴⁴ Danish Refugee Council (DRC), s.d., [url](#) ; Amnesty International, 03/11/2016, p. 45, [url](#) ; Quartz Africa (Rhodes T.), 02/09/2016, [url](#)

⁴⁵ European Court of Human Rights (ECtHR), 24/11/2017, [url](#) ; Liberties, 08/03/2017, [url](#) ; Statewatch, 12/01/2018, [url](#) ; Open Migration (Lopez Curzi C.), 16/02/2017, [url](#)

⁴⁶ Le Monde (Piquard A.), 05/11/2014, [url](#) ; Le Monde (Piquard A.), 09/01/2017, [url](#)

⁴⁷ Street Press (Statius T., Gautheron P.), 01/10/2017, [url](#)

⁴⁸ Eurostat, s.d., [url](#)

⁴⁹ Street Press (Statius T., Gautheron P.), 01/10/2017, [url](#)

⁵⁰ Radio Dabanga, 02/04/2017, [url](#)

two cases, Amnesty International warned that Sudanese nationals from conflict areas face a risk of serious human rights violations in case of their repatriation, including repatriation to Khartoum.⁵¹

Germany

In an e-mail of 24 January 2018, the German embassy in Khartoum informed the CGRS that two Sudanese were forcibly returned from Germany in 2017.⁵²

The Netherlands

In 2011, the Netherlands signed an MOU with Sudan for the voluntary or forced repatriation of Sudanese nationals and the issuing of laissez-passers by the Sudanese diplomatic representation.⁵³ Some sources indicate that only a limited number of repatriations were organized by the Netherlands over the past few years.⁵⁴

The Dutch State Secretary for Justice and Security, who is also competent for asylum and migration, declared in answer to a parliamentary question of 5 February 2018 that the Netherlands organize identification missions as part of their return policy but that the travel documents of Sudanese foreigners are always issued by the Sudanese embassy and not by such missions.⁵⁵

Amnesty International Netherlands stated that rejected Sudanese asylum applicants have been repatriated by the Netherlands but gives no further information.⁵⁶

In May 2017, Sudanese organizations based in the Netherlands wrote a letter protesting against the impending repatriation of a Sudanese young man from the Nuba Mountains in South Kordofan, whose asylum application had been rejected, according to Radio Dabanga. The signatory organizations claimed that he was an anti-government activist.⁵⁷ In May 2017, Amnesty International also wrote a letter about the same case, with the following recommendation:

“In view of the conflicts and grave human rights abuses in Sudan, Amnesty International considers that Sudanese from conflict-affected areas such as Darfur, South Kordofan and Blue Nile States should not be sent back to Sudan, where they face a well-founded fear of persecution because of the documented human rights abuses and violations by state actors and non-state actors. People coming from other areas of Sudan, accused of being opposition or otherwise at risk of serious human rights violations for other reasons, must not be sent back to Sudan either.”⁵⁸

According to Ahmed Zobier, Sudan researcher at Amnesty International, the planned repatriation was finally prevented by a court order.⁵⁹

In mid-December 2017, Sudanese activists held a protest in the Netherlands against the repatriation of a Sudanese which took place earlier in the month and against the imminent removal of three other Sudanese. The four of them had gone to Belgium after the rejection of their asylum application and were sent back to the Netherlands under the Dublin Regulation.⁶⁰

Norway

The Norwegian National Police Immigration Service (NPIS) has carried out 59 forced and 2 voluntary repatriations to Sudan since 2015. Additionally, the IOM also organized a number of voluntary

⁵¹ Amnesty International, 18/11/2016, [url](#) ; Amnesty International, 07/12/2016, [url](#)

⁵² German embassy in Khartoum, e-mail, 24/01/2018

⁵³ Ministerie van Justitie en Veiligheid – Dienst Terugkeer en Vertrek, 09/11/2017 [last update], [url](#)

⁵⁴ Vluchtverhalen (van Wierst J.), 11/12/2017, [url](#) ; Stop DT&V! Stop deportaties!, 27/10/2017, [url](#)

⁵⁵ Tweede Kamer der Staten-Generaal, 05/02/2018, [url](#)

⁵⁶ Amnesty International, 07/2017, p. 15, [url](#)

⁵⁷ Radio Dabanga, 14/05/2017, [url](#)

⁵⁸ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018

⁵⁹ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018

⁶⁰ Radio Dabanga, 08/12/2017, [url](#) ; Radio Dabanga, 13/12/2017, [url](#)

repatriations from Norway. The Norwegian police notify every forced repatriation to the Sudanese embassy in Oslo.⁶¹

Other member states

Answers to a query of the European Migration Network (EMN) show that a limited number of Sudanese were forcibly returned to Sudan by the United Kingdom, Sweden, Hungary and Estonia. The EU member states who organize returns to Sudan declare that they do not monitor individual Sudanese returnees.

In order to identify Sudanese nationals and provide them with laissez-passers, member states usually collaborate with the local Sudanese embassy, according to the answers of Estonia, Hungary, the Netherlands, Slovenia, the United Kingdom, Sweden and Norway to the EMN query.⁶²

Confidential information obtained by e-mail from immigration services of other EU countries shows that several of those countries received identification missions from Sudan during the last few years.

In 2014, the EU launched the EU-Horn of Africa Migration Route Initiative, better known as the Khartoum Process, with a number of African countries, including Sudan. This initiative aims to enhance cooperation with the authorities of the participating countries in order to prevent irregular migration and address its causes. Under this programme, the Sudanese government receives financial and technical assistance from the EU.⁶³ Human rights organizations such as HRW and AI have criticized the Khartoum Process, as it creates the impression that the fight against illegal migration is given precedence over the human rights situation in the participating countries. The above organizations also denounced the part played by the Sudanese Rapid Support Forces (RSF), who are guilty of large scale human rights violations, in securing borders and preventing illegal migration.⁶⁴ The EU emphasizes that there is no collaboration with members of the RSF in Sudan under its Better Migration Management (BMM) project and that it takes to heart the protection of human rights.⁶⁵

1.2. Returns from non-European countries

Jordan

In December 2015, 800 Sudanese were forcibly repatriated from Jordan, where around 4,000 Sudanese asylum seekers were staying at the time, according to figures from UNHCR. Several sources state that most Sudanese in Jordan come from conflict areas, such as Darfur, and most of those forcibly repatriated were asylum applicants or recognized refugees.⁶⁶

On 16 December 2015, the Jordanian police rounded up Sudanese protesters who had set up a camp in front of UNHCR office in Amman. The protesters, including women and children, were taken to the airport for repatriation. According to HRW, the protesters denounced perceived discrimination in

⁶¹ Norwegian Directorate of Immigration, e-mail, 02/02/2018

⁶² European Migration Network (EMN), *EMN Ad-Hoc Query on BE EMN NCP AHQ on return to Sudan*, s.d. [query sent by the Belgian EMN contact point on 18/01/2018]

⁶³ Khartoum Process, [website], s.d., [url](#) ; European Commission, 05/04/2016, [url](#)

⁶⁴ Amnesty International, 10/2016, [url](#) ; Human Rights Watch (HRW), 23/11/2017, [url](#) ; Human Rights Watch (HRW) (Henry J.), 27/11/2017, [url](#)

⁶⁵ European Commission, 13/07/2017, [url](#)

⁶⁶ Some sources give different figures. IRIN puts their number at roughly 600. Radio Dabanga takes of approximately 500 persons, whereas the Jordanian government anticipated the return of 950 Sudanese: Integrated Regional Information Networks (IRIN) (Staton B.), 06/01/2016, [url](#) ; Radio Dabanga, 19/12/2015, [url](#) ; Human Rights Watch (HRW), 16/12/2015, [url](#) ; Amnesty International, 18/12/2015, [url](#) ; 7iber (Gibreel D.), 19/09/2017, [url](#) ; The Guardian (Staton B.), 19/01/2016, [url](#) ; Gamar B., director of Human Rights and Development Organization (HUDO), e-mails, 16/01/2018, 17/01/2018

humanitarian assistance and resettlement services. A Sudanese woman told Nuba Reports that she had not been arrested in front of UNHCR but on her way to the hospital.⁶⁷

According to several sources and Sudanese witnesses, scuffles broke out at the airport and several Sudanese were injured when the police intervened and made use of tear gas.⁶⁸ USDOS reported that 525 Sudanese, including unaccompanied minors and families with children, were sent back to Sudan on 18 December 2015.⁶⁹ According to the Jordanian online-magazine 7iber, some Sudanese were repatriated while their partner or children stayed behind in Jordan.⁷⁰

According to the Jordanian press, the repatriation of Sudanese was coordinated with the Sudanese Ministry of Home Affairs, and a number of meetings took place with the Sudanese embassy.⁷¹ Witnesses told Radio Dabanga that Sudanese embassy staff stood watching and was laughing while Sudanese were beaten and humiliated by Jordanian security personnel.⁷²

Israel

The Israeli press reported in February 2013 that at least 1,000 Sudanese were secretly repatriated via an unnamed third country.⁷³ According to international and Israeli human rights organizations, at least 6,400 Sudanese had returned “voluntarily” from Israel to Sudan by the end of June 2014 (at the time, not a single Sudanese had been recognized as a refugee). 60% of asylum applicants who left Israel in 2014 were Sudanese nationals.⁷⁴

Several human rights organizations have cast serious doubts on the voluntary nature of the repatriation of Sudanese from Israel. International Refugee Rights Initiative (IRRI) attributes the departure of most asylum applicants to strong pressures from the authorities and to violations of their human rights, and more specifically to Israel’s detention policy regarding asylum applicants and to the difficulty of obtaining a protection status. According to Israeli NGOs, racism and hate crimes may also explain some departures.⁷⁵ HRW considers these so-called “voluntary” repatriations as cases of *refoulement* because the only alternative is detention in Israel, which precludes freedom of choice.⁷⁶

According to Alhadi Abagbeldour (AFIIP), Sudanese returning from Israel often return via a third country, e.g. Jordan or Turkey, or, in order to avoid interception by the Sudanese intelligence service, they try to cross overland from South Sudan or Chad. This last option is not without risk, as land borders are closely patrolled by loyalist militias.⁷⁷

⁶⁷ Human Rights Watch (HRW), 16/12/2015, [url](#) ; Middle East Eye (Staton B.), 18/12/2015, [url](#) ; Refugees Deeply, Nuba Reports, 21/04/2016, [url](#)

⁶⁸ Human Rights Watch (HRW), 16/12/2015, [url](#) ; United States Department of State, 13/04/2016, [url](#) ; Middle East Eye (Staton B.), 18/12/2015, [url](#) ; Amnesty International Vlaanderen, e-mail, 30/01/2018

⁶⁹ United States Department of State, 13/04/2016, [url](#)

⁷⁰ 7iber (Gibreel D.), 19/09/2017, [url](#)

⁷¹ 7iber (Gibreel D.), 19/09/2017, [url](#)

⁷² Radio Dabanga, 21/12/2015, [url](#)

⁷³ Haaretz (Nesher T.), 26/02/2013, [url](#) ; Jewish Telegraphic Agency (JTA) (Oyster M.), 26/02/2013, [url](#)

⁷⁴ Human Rights Watch (HRW), 09/09/2014, p. 3, [url](#) ; Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, p. 15, [url](#)

⁷⁵ International Refugee Rights Initiative (IRRI), 09/2015, p. 2, [url](#) ; Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, pp. 11-13, [url](#)

⁷⁶ Human Rights Watch (HRW), 09/09/2014, p. 39, [url](#)

⁷⁷ Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

Returns from neighbouring countries

In July 2015, Egypt repatriated dozens of Sudanese who were trying to cross the border with Libya.⁷⁸

In October 2016, Radio Dabanga reported the evacuation of 1,500 Sudanese who were stranded in Libya. The report does not say if they were transferred to Egypt or Sudan.⁷⁹ In September 2017, the IOM assisted 170 Sudanese who returned voluntarily from Libya.⁸⁰

In December 2016, the Sudanese Humanitarian Aid Commission (HAC) reported the return of 1,205 Sudanese from Chad to West Darfur. In 2015, about 66,000 Sudanese refugees had already returned to West Darfur.⁸¹

On 31 May 2017, Chad, Sudan and the UNHCR signed two separate tripartite agreements on the voluntary return of Sudanese refugees from Chad and of Chadian refugees from Sudan. In May 2017, there were still 317,000 Sudanese refugees in Chad and 8,500 Chadian refugees in Sudan, according to UNHCR figures.⁸²

In an e-mail of 23 January 2018 to the CGRS, UNHCR Brussels gave additional information on its current repatriation programmes to Sudan. Organized voluntary return from Chad will start under the tripartite agreement in March 2018. UNHCR Brussels added that in the past few years, some 100,000 Sudanese already returned spontaneously from Chad and that on 31 December 2017, there were still 324,358 Sudanese in eastern Chad, among which 24,711 wished to return.⁸³

In mid-December 2017, the UNHCR started to repatriate some 1,500 Sudanese refugees from Darfur who had been living for 10 years in refugee camps in the Central African Republic. Their return to South Darfur is voluntary.⁸⁴ This UNHCR operation was concluded on 5 January 2018, with a total of 1,494 Sudanese who returned to South Darfur. 195 Sudanese refugees chose to stay in the Central African Republic.⁸⁵

The IOM reports that 113,790 Sudanese returned voluntarily to Darfur in 2017, 90% of them from neighbouring Chad.⁸⁶

⁷⁸ Radio Dabanga, 21/07/2015, [url](#) ; Ahram Online, 16/07/2015, [url](#)

⁷⁹ Radio Dabanga, 18/10/2016, [url](#)

⁸⁰ International Organization for Migration (IOM), 14/09/2017 [url](#)

⁸¹ Sudan Tribune, 03/12/2016, [url](#)

⁸² Sudan Tribune, 21/01/2018, [url](#) ; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), s.d., [url](#)

⁸³ Office of the United Nations High Commissioner for Refugees (UNHCR) Brussels, e-mail, 23/01/2018

⁸⁴ Office of the United Nations High Commissioner for Refugees (UNHCR), 15/12/2017, [url](#)

⁸⁵ Office of the United Nations High Commissioner for Refugees (UNHCR), 07/01/2018, [url](#) ; Office of the United Nations High Commissioner for Refugees (UNHCR) Brussels, e-mail, 23/01/2018

⁸⁶ Sudan Tribune, 21/01/2018, [url](#)

2. Treatment of Sudanese returnees by the Sudanese authorities

2.1. Arrival procedures at Khartoum International Airport (KIA)

2.1.1. Immigration procedures and security check

According to a range of sources, there are two controls upon arrival at Khartoum International Airport (KIA): first by the immigration service and then by the National Intelligence and Security Service (NISS). Sources contacted by the CGRS⁸⁷ indicated that travel and residence documents are checked first at the immigration desk and that this is followed by a security check at the NISS desk. This information confirms what the 2016 British-Danish was told by its sources (several western embassies, Sudanese human rights lawyers, regional NGOs, IOM).⁸⁸

According to the British embassy in Khartoum, there is a standard immigration procedure for every person identified as a rejected asylum applicant: their documents are temporarily withheld and they are detained for a maximum period of 24 hours for interrogation. If this interrogation does not yield any results, the returnee is released. If the investigation reveals criminal activity or other nefarious reasons for the original departure from Sudan, the returnee is blacklisted from leaving Sudan. If the crime is outstanding, the returnee will be arrested.⁸⁹

The IOM explained to the British-Danish fact-finding mission that there are two categories of voluntary returnees: those with an ordinary travel document (passport) and those with an emergency travel document (ETD), such as a laissez-passer, issued by a Sudanese embassy. Returnees with a passport do not encounter any problems. The IOM and some other sources (a western embassy; two NGOs in Khartoum) are of the opinion that a return with an ETD does not in itself entail a risk for the returnee. However, a returnee with an ETD can expect a more detailed interrogation by the intelligence service, according to some sources (IOM; Sudanese NGOs in Khartoum and Kampala).⁹⁰ The IOM added that returnees with an ETD are questioned about the reasons for their earlier departure from Sudan at the immigration desk. This takes about fifteen to twenty minutes, and the person is then free to go. Not only rejected asylum seekers undergo such interrogations, but all persons who have lost their passport, according to the IOM.⁹¹

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 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.⁹² 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

⁸⁷ Taylor M., Sudan and Uganda analyst, International Crisis Group (ICG) Horn of Africa project, interview, 11/01/2018; Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018; Sudanese journalist in Khartoum, e-mail, 23/01/2018; Sudanese professor of human rights law, Skype interview, 29/01/2018; Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018

⁸⁸ United Kingdom Home Office, 01/08/2017, pp. 27-28, [url](#); United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 13-14, [url](#)

⁸⁹ United Kingdom Home Office, 01/08/2017, pp. 27-28, [url](#)

⁹⁰ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 15-16, 70-71, [url](#)

⁹¹ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 70-71, [url](#)

⁹² Taylor M., Sudan and Uganda analyst, International Crisis Group (ICG) Horn of Africa project, interview, 11/01/2018; Crowther M., co-director Waging Peace, e-mail, 23/01/2018; Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018; Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018; Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018

political opponents or members of vulnerable groups.⁹³ DWAG stated that even when they have a valid passport, returnees face a high risk of detention, torture or even death.⁹⁴ Waging Peace knows of several cases where a holder of a British passport faced problems.⁹⁵ Suliman Baldo referred to the recent arrest of a British journalist and an American activist of Sudanese origin.⁹⁶

Regarding verifications carried out by the NISS, the Australian Department of Foreign Affairs and Trade (DFAT) stated that the NISS is strongly present at the airport and checks all documents of departing and arriving passengers.⁹⁷ The British embassy in Khartoum pointed out that the intelligence service only intervenes when the immigration procedure is completed and that returnees are not systematically subjected to further investigation. This only takes place when the NISS views a returnee as “a potential person of interest”, for instance when their name appears on a travel watch list, or because they had contacts with the Sudanese opposition or were active in opposition groups abroad.⁹⁸

Two western embassies told the British-Danish fact-finding mission that the NISS checks passport numbers in their database. Two Sudanese human rights activists stated that the intelligence service also uses this security check to collect information about incoming passengers and to ask questions about their origin, their activities abroad and the reasons for their visit to Sudan. Rejected asylum applicants are moreover asked questions about the duration of their stay abroad, the lack of a passport and their political affiliations, according to the European and African Centre for Research, Training and Development (EAC), an NGO working in Khartoum on legal migration.⁹⁹

The British embassy stated that it is not entirely clear how the immigration service identifies a returnee as a rejected asylum applicant but that indicators such as the use of an ETD (e.g. a laissez-passer), the absence of a valid exit visa or the presence of an escort may draw the attention of the immigration service.¹⁰⁰ Waging Peace also pointed out that an incoming passenger escorted by British immigration agents to Khartoum airport can be identified as a rejected asylum applicant.¹⁰¹ Mukhtar Alqabir (KACE Sudan) explained in an e-mail to the CGRS that repatriated Sudanese are usually intercepted by the NISS on board or near the plane and taken by a separate route to the NISS office.¹⁰²

A Sudanese human rights lawyer stated in his e-mail to the CGRS that the authorities, when they have doubts about a person’s nationality, ask the person to have a relative come to the airport.¹⁰³ Niemat Ahmadi (DWAG) added that detainees often refuse to give the names of their relatives so as not to put them at risk.¹⁰⁴

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” 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

⁹³ Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 22/01/2018

⁹⁴ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

⁹⁵ Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

⁹⁶ Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018

⁹⁷ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p. 26, [url](#)

⁹⁸ United Kingdom Home Office, 01/08/2017, pp. 27-28, [url](#)

⁹⁹ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 13-14, [url](#)

¹⁰⁰ United Kingdom Home Office, 01/08/2017, p. 27, [url](#)

¹⁰¹ Waging Peace, 24/10/2017

¹⁰² Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018

¹⁰³ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

¹⁰⁴ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

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.¹⁰⁵

2.1.2. Exit visa

To leave Sudan legally, an exit visa is required.¹⁰⁶

The 1994 Passport and Immigration Act regulates the entry and stay in Sudan and the removal of foreigners.¹⁰⁷ Article 12, which deals with the exit visa, is given as follows by the Canadian Immigration and Refugee Board:

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

[...]

(3) Exit visa shall not be granted to:

- a. 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;
- b. a Sudanese accused of an offence;
- c. a Sudanese, who is convicted, more than once, of the offence of smuggling;
- d. 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;
- e. 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;
- f. a child who does not attain 18 years of age, save upon the approval of his guardian. (Sudan 1994).¹⁰⁸

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.¹⁰⁹

According to Waging Peace, travellers can obtain an exit visa at the main office of the Interior Ministry in Khartoum or at the transit office at Khartoum airport. This organization added that immigration staff also work with the NISS.¹¹⁰

According to the USDOS, exit visas are usually issued smoothly but the government uses this requirement to restrict the freedom of movement of some of its citizens, especially persons of political or security interest.¹¹¹ The British-Danish fact-finding mission of early 2016 was told by some sources (ICG; Sudanese NGOs in Kampala; western embassy) that persons with a political profile from Darfur or the Two Areas may be prevented from obtaining an exit stamp, and thus from leaving Sudan.¹¹²

¹⁰⁵ Sudanese human rights activist in Khartoum (C), Skype interview, 23/01/2018

¹⁰⁶ Babiker M.A., 2011, p. 4, [url](#)

¹⁰⁷ Babiker M.A., 2011, p. 1, [url](#)

¹⁰⁸ Immigration and Refugee Board of Canada, 18/07/2016, [url](#)

¹⁰⁹ Babiker M.A., 2011, p. 3, [url](#)

¹¹⁰ Waging Peace, Article 1, 09/2014, p. 5, [url](#)

¹¹¹ United States Department of State (USDOS), 03/03/2017, [url](#)

¹¹² United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 16, [url](#)

The USDOS reported that several opposition leaders invited abroad to meet other opponents or to take part in international peace talks to end the country's internal conflicts were denied exit visas and/or had their passports confiscated upon their return.¹¹³ The UN Independent Expert on the situation of human rights in the Sudan mentioned in his report of July 2016 the travel ban imposed on four representatives of Sudanese civil society who were intercepted by security officials at Khartoum International Airport on their way to Geneva where they were to participate in the pre-session meetings of the universal periodic review of the situation in Sudan.¹¹⁴

According to a western embassy quoted by the British-Danish mission, exit visas are likely to be checked by immigration upon arrival, whereas a Khartoum-based human rights organization advised that the authorities did not generally check for exit stamps on arrival.¹¹⁵

The Australian DFAT assessed that an individual would come to the attention of the authorities if they did not leave Sudan with a valid exit visa and would likely be questioned in detail by the NISS. They may be taken to the NISS headquarters for further questioning. Given the porous borders and significant overland movement between Sudan and surrounding countries, the DFAT assessed that an individual would be able to leave Sudan without a valid exit visa.¹¹⁶

Similarly, 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.¹¹⁷

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.

2.1.3. Issuing of travel documents to rejected asylum applicants

In its reports for 2007 and 2011, the British NGO Waging Peace criticized the way in which travel documents are issued to rejected asylum applicants by the Home Office and staff of the Sudanese embassy in London. In an e-mail to the CGRS, this NGO mentioned "serious misconduct" by Sudanese officials. The NGO examined so-called re-documentation interviews held in Home Office premises in the presence of Sudanese representatives in charge of establishing ETDs.¹¹⁸

On the basis of conversations with some forty Sudanese in 2007 and 2011, Waging Peace noted that several interviewees were still engaged in an asylum procedure in first instance or in appeal and that confidential information from their files had sometimes been communicated to Sudanese officials, for instance about their region of origin or their family background. The NGO fears that this information was then forwarded to the NISS. According to the interviewees, representatives of the Home Office or independent interpreters were seldom present during these interviews. Some interviewees declared that they did not know they were being interviewed by Sudanese diplomatic staff. In 2007, some interviewees mentioned threats and in 2011 one of them mentioned that a staff member of the embassy tried to bribe him.¹¹⁹

¹¹³ United States Department of State (USDOS), 13/04/2016, [url](#)

¹¹⁴ United Nations Human Rights Council, 28/07/2016, p. 7, [url](#)

¹¹⁵ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 15, [url](#)

¹¹⁶ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p. 26, [url](#)

¹¹⁷ Skogseth G.J., Sudan expert at Landinfo, e-mail, 12/01/2018

¹¹⁸ Waging Peace et al., 04/10/2007, [url](#) ; Waging Peace, 09/2011, [url](#) ; Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

¹¹⁹ Waging Peace e.a., 04/10/2007, pp. 4-7, 10-14, [url](#)

In 2011, the British Home Office answered that re-documentation interviews can be held in some cases during the asylum procedure, for instance when the application is manifestly unfounded.¹²⁰ According to the Home Office, an independent interpreter was always present at interviews.¹²¹ In a report of August 2015, the Home Office wrote that there is no evidence that re-documentation procedures outside the Sudanese embassy may place rejected asylum applicants at risk upon return.¹²²

A Sudanese human rights activist told the CGRS that Sudanese embassies check with the security services in Khartoum before issuing an ETD for repatriation from Europe or from an East African country associated with armed resistance against the Sudanese government.¹²³

2.2. Monitoring of returnees

In general, states and international organisations do not systematically collect information on the situation of persons who have been forcibly removed, according to a report published in 2016 by the Danish Institute for International Studies (DIIS).¹²⁴

In an e-mail of 12 January 2018 to the CGRS, the IOM describes how voluntary returnees are assisted at KIA under its Assisted Voluntary Return and Reintegration (AVRR) programme:

“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.”¹²⁵

The British embassy in Khartoum noted in 2015 that UNHCR and European embassies do not monitor returnees upon arrival but that AVRR returnees are met at the airport by IOM representatives.¹²⁶ According to Sudan expert Peter Verney, embassies lack the resources and staff that would be needed to ensure a thorough monitoring of the human rights situation.¹²⁷

In answer to a question about the treatment of Sudanese returnees at KIA, UNHCR told the CGRS in an e-mail of 23 January 2018:

“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 generally only be envisioned in the context of a voluntary return movement within the framework of a tripartite agreement.”¹²⁸

Sudanese human rights activists and UNHCR pointed out to the British-Danish fact-finding mission that there is no structural follow-up of forced returnees arriving in Sudan. Human rights organizations and UNHCR are not informed beforehand about forced repatriations. Several sources

¹²⁰ Waging Peace, 09/2011, p. 14, [url](#)

¹²¹ Waging Peace, 09/2011, p. 14, [url](#)

¹²² United Kingdom Home Office, 08/2015, p. 5, [url](#)

¹²³ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

¹²⁴ Danish Institute for International Studies (DIIS) (Alpes M.J., Sørensen N.N.), 11/2016, [url](#) ; Alpes J. et al., 02/2017, [url](#)

¹²⁵ International Organization for Migration (IOM) Brussels, e-mail, 12/01/2018

¹²⁶ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 28, [url](#)

¹²⁷ Verney P., 10/01/2018, p. 1

¹²⁸ Office of the United Nations High Commissioner for Refugees (UNHCR) Brussels, e-mail, 23/01/2018

underline a general absence of independent organizations to meet forced returnees upon arrival at KIA. IOM staff is present to meet voluntary returnees.¹²⁹

Most sources contacted by the CGRS are not aware of the existence of organizations monitoring the return of Sudanese, nor of organizations Sudanese returnees could contact if they should have any problems.¹³⁰ Some organizations mention the appointment of a pro-bono lawyer by the DBA in case of arrest¹³¹ or refer to organizations abroad such as Waging Peace in the UK or ACJPS and Democracy First Group in Kampala.¹³² According to Alhadi Agabeldour (AFIIP), the government does not authorize any monitoring of returnees by domestic or international organizations in order to avoid attracting attention on victims or incurring international condemnation.¹³³

Geir Skogseth of Landinfo supposes nevertheless that returnees can turn to independent local NGOs in Sudan with a human rights focus but that local NGOs will hardly be able to do more than document the complaint.¹³⁴

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.¹³⁵

In a report of 2012, Waging Peace noted that solitary confinement and the absence of access to legal advice or outside communication mean that it can be very difficult to trace those who are detained by the Sudanese authorities. The organization referred to the case of a Sudanese who was forcibly repatriated in February 2012 from the UK after his asylum application was turned down and who could not be traced after his arrival in Sudan. According to Waging Peace he was from Darfur, but this was disputed by the Home Office.¹³⁶

In a report of January 2017, Waging Peace described five instances of returnees who met with serious problems after their return and noted that the absence of further testimony is only due to restricted access to the affected populations. According to the organization, many more returnees could bear witness to such problems.¹³⁷

According to a human rights activist (C) and a journalist in Khartoum, even lawyers and human rights organizations are unable to get in touch with persons detained by the NISS or find it too risky. According to the human rights activist (C), only family members are authorized to bring clothes or

¹²⁹ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 13, [url](#)

¹³⁰ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018; Reeves E., Sudan expert and consultant, François-Xavier Bagnoud Center for Health and Human Rights, Harvard University, e-mail, 13/01/2018; Baldo S., senior advisor Enough Project, independent UN expert on Mali, e-mail, 15/01/2018; Sudan expert of a prominent international human rights organization, e-mail, 21/01/2018 ; Gamar B., director of Human Rights and Development Organization (HUDO), e-mail, 16/01/2018; Sudanese human rights activist in Khartoum (D), e-mail, 25/01/2018; Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 22/01/2018; African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018; Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018; Sudanese professor of human rights law, Skype interview, 29/01/2018

¹³¹ Gamar B., director of Human Rights and Development Organization (HUDO), e-mail, 16/01/2018; Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018; Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

¹³² Sudanese journalist in Khartoum, e-mail, 23/01/2018; Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018; El Faki M., researcher at McMaster University, Canada, e-mail, 24/01/2018

¹³³ Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

¹³⁴ Skogseth G.J., Sudan expert at Landinfo, e-mail, 12/01/2018

¹³⁵ Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

¹³⁶ Waging Peace, 09/2012, p. 35, [url](#)

¹³⁷ Waging Peace, 01/2017, [url](#)

food. The journalist stated that sometimes even family members are not authorized to visit a detainee.¹³⁸

2.3. Risk upon return

2.3.1. General risk in case of voluntary or forced repatriation

Neither the European Court of Human Rights (ECtHR) nor the British Upper Tribunal has declared a general ban on the repatriation of Sudanese nationals. (see also 3. International jurisprudence on repatriation to Suda).

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),¹³⁹ 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.¹⁴⁰

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.¹⁴¹

The Upper Tribunal argued in the same case that if problems were indeed systematically encountered by forced returnees, this information would have filtered out. The Upper Tribunal also referred to the fact that a substantial number of Sudanese refugees are returning voluntarily to Sudan on the strength of UNHCR agreements and that this does not suggest a "generalized risk".¹⁴²

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.¹⁴³ Neither did he 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.¹⁴⁴

The British embassy in Khartoum reported in 2013, 2015 and 2016 that the international partners it had consulted, such as UNHCR, IOM and several western embassies, were not aware of any ill-treatment of Sudanese returnees, including failed asylum applicants, by the Sudanese security services.¹⁴⁵ The British Home Office stated in August 2017, on the basis of British case law and information from the British embassy in Khartoum, that rejected Sudanese asylum applicants do not run a real risk upon return to Khartoum, even when they are subjected to an immigration check. Sudanese with a political profile or who are critical of the Sudanese government may be viewed negatively by the Sudanese authorities, according to the Home Office.¹⁴⁶

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

¹³⁸ Sudanese human rights activist in Khartoum (C), Skype interview, 23/01/2018; Sudanese journalist in Khartoum, e-mail, 23/01/2018

¹³⁹ European Court of Human Rights (ECtHR), 07/06/2016 [final 07/09/2016], [url](#)

¹⁴⁰ European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], [url](#)

¹⁴¹ Upper Tribunal, 14/04/2016, par. 250, [url](#)

¹⁴² Upper Tribunal, 14/04/2016, par. 198, 222, [url](#)

¹⁴³ Upper Tribunal, 14/04/2016, par. 220-221, [url](#)

¹⁴⁴ Upper Tribunal, 14/04/2016, par. 32, 191, [url](#)

¹⁴⁵ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, pp. 14, 25, 28, [url](#)

¹⁴⁶ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, pp. 4-6, [url](#)

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.¹⁴⁷

A number of sources (several diplomatic sources in Khartoum; two Sudanese NGOs; IOM) told the British-Danish fact-finding mission in early 2016 that they did not have any information indicating that returnees, including failed asylum applicants, experienced difficulties on return to KIA, and they did not consider that claiming asylum overseas would put such a person at risk per se.¹⁴⁸ Some sources (human rights lawyers and an NGO in Khartoum; western embassies) were also of the view that long-term residence abroad would not in itself be a risk factor and additionally observed that there were established Sudanese diaspora communities living overseas.¹⁴⁹ In an e-mail to the CGRS, the ACJPS stated that a long stay abroad can give rise to suspicions of involvement with (armed) opposition groups.¹⁵⁰

Other sources (human rights lawyers and activists in Khartoum and Kampala) told the British-Danish mission that travelling to and from Uganda, where many opposition groups are present, is also viewed with suspicion. Travelling to Nairobi (Kenya), Europe or the United States may attract more attention than travelling to the Gulf States.¹⁵¹ Waging Peace wrote in 2014 that travellers to Uganda, Kenya and Egypt were likely to be subjected to further interrogation on exit, possibly because these countries have large Sudanese refugee populations and are home to the exiled political opposition.¹⁵²

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 received any specific information on the treatment of voluntary or forcibly returned Sudanese nationals by the Sudanese authorities at Khartoum International Airport. The Organization 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."¹⁵³

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."¹⁵⁴

The Australian DFAT was not aware of any evidence suggesting that an asylum applicant returning to Sudan would be distinguishable to the broader community or susceptible to any form of discrimination or violence. The main issue facing returnees, according to DFAT, is the perceived lack of financial support for effective reintegration into Sudanese society, particularly in Khartoum.¹⁵⁵ However, the DFAT considered there is a risk for returnees who present a threat to the government, such as vocal opponents.¹⁵⁶

In a report of September 2014, Waging Peace emphasized that Sudanese returnees, from across Sudan and from all sections of the population, risk persecution if they have spent some time abroad: "men and women; the rich and the poor; those from the capital as well as those from Darfur and the

¹⁴⁷ Tweede Kamer der Staten-Generaal, 05/02/2018, [url](#)

¹⁴⁸ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 13, [url](#)

¹⁴⁹ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 15, [url](#)

¹⁵⁰ African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018

¹⁵¹ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 18, [url](#)

¹⁵² Waging Peace, Article 1, 09/2014, p. 5, [url](#)

¹⁵³ International Organization for Migration (IOM) Brussels, e-mail, 12/01/2018

¹⁵⁴ International Organization for Migration (IOM) Brussels, e-mail, 12/01/2018

¹⁵⁵ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p. 26, [url](#)

¹⁵⁶ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p. 26, [url](#)

Nuba Mountains; politicians as well as farmers".¹⁵⁷ The British Upper Tribunal did not follow this line of reasoning and considered that the Sudanese interviewed by Waging Peace were profiles at risk, such as non-Arab Darfuris, human rights activists and political opponents. The Upper Tribunal concluded that they had not been "random targets".¹⁵⁸

The sources consulted by the CGRS have different views on the risk faced upon return to Sudan.

A human rights lawyer in Khartoum distinguished two situations:

- 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.¹⁵⁹

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.¹⁶⁰

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.¹⁶¹

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.¹⁶²

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

¹⁵⁷ Waging Peace, Article 1, 09/2014, p. 4, 28, [url](#)

¹⁵⁸ Upper Tribunal, 14/04/2016, par. 179, [url](#)

¹⁵⁹ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

¹⁶⁰ Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018

¹⁶¹ Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018 ; Sudanese journalist in Khartoum, e-mail, 23/01/2018; Reeves E., Sudan expert and consultant, François-Xavier Bagnoud Center for Health and Human Rights, Harvard University, e-mail, 13/01/2018; Gamar B., director of Human Rights and Development Organization (HUDO), e-mail, 16/01/2018; Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018; Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018

¹⁶² Skogseth G.J., Sudan expert at Landinfo, e-mail, 11/01/2018

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.¹⁶³

Magnus Taylor (ICG) thinks it altogether possible that Sudanese returnees may face problems, but not all people, and not all people all the time. This depends on the returnee's profile, and problems are more likely for politically active returnees or members of the opposition. But even then, problems are not always likely to happen, according to Taylor. As for Darfuris, it is often thought that they face problems but there are many Darfuris living across the country and it is unlikely that all of them are targeted. Being from Darfur may increase the interest taken by the NISS. Students, especially Darfuris, are viewed as a serious threat. Taylor noted that ethnic, religious and political backgrounds are often closely intertwined. A Sudanese Christian from the Nuba Mountains, for instance, will be associated with the rebels in South Kordofan, but not all Christians have problems in Sudan.¹⁶⁴

Bushra Gamar (HUDO) stated that some voluntary returnees negotiated their return beforehand with the Sudanese embassy (for instance under the peace deal concluded with smaller armed groups in Darfur).¹⁶⁵

The Sudanese journalist and analyst Tajeldin Adam wrote in his e-mail to the CGRS that there were other options than KIA for the repatriation of Darfuris:

"The best option in my view is to deport them through a neighbouring country, such as Chad, Uganda or even South Sudan. For instance, the vast majority of Darfuris who were sent back from Israel via a third country arrived peacefully to their home towns or desired destination. Khartoum Airport is a risky option."¹⁶⁶

Alhadi Agabeldour (AFIIP) stated that every person arriving at KIA is frightened by the thought of what will happen to them.¹⁶⁷

UNHCR Brussels told in its e-mail to the CGRS that it had no information on this subject:

"UNHCR does not have information on the treatment of voluntary or forcibly returned Sudanese nationals at the Khartoum International Airport."¹⁶⁸

2.3.2. Risk profiles

International jurisprudence distinguishes several categories with a heightened risk. (see also 3. International jurisprudence on repatriation to Suda).

In several judgments rendered in 2015 and 2016, the ECtHR gives a non-exhaustive list of risk profiles: non-Arab Darfuris; persons who already had problems with the security services; persons who criticized the regime in the media; persons who had contacts with the opposition abroad;

¹⁶³ Skogseth G.J., Sudan expert at Landinfo, e-mail, 12/01/2018

¹⁶⁴ Taylor M., Sudan and Uganda analyst, International Crisis Group (ICG) Horn of Africa project, interview, 11/01/2018

¹⁶⁵ Gamar B., director of Human Rights and Development Organization (HUDO), e-mail, 16/01/2018

¹⁶⁶ Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 19/09/2017

¹⁶⁷ Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

¹⁶⁸ Office of the United Nations High Commissioner for Refugees (UNHCR) Brussels, e-mail, 23/01/2018

persons having personal or family ties with members of the opposition or with political opponents; Darfuris who travelled abroad.¹⁶⁹

The Upper Tribunal concluded in 2016 that not all journalists, non-Arabs, Darfuris or persons from South Kordofan face arrest but that such profiles, and factors such as prior detention or opposition activities, increase the risk.¹⁷⁰

Ethnic profiles

The risk for persons from conflict areas, such as Darfur and South Kordofan (Nuba Mountains) and Blue Nile States, especially for non-Arab Darfuris, is not assessed by all sources in the same way.

The British Upper Tribunal considered in a decision of 2015 that the term "Darfuri" is to be understood as an ethnic term relating to origins, not as a geographical term. Accordingly, the risk is the same for all non-Arab Darfuris, whether they were born and lived in Darfur or not.¹⁷¹

In their latest decisions regarding Darfuris, the Upper Tribunal and the ECtHR have ruled against repatriation of non-Arab Darfuri.

The Upper Tribunal quoted the UK Border Agency (UKBA) Operational Guidance Note on Sudan of 2 November 2009: "All non-Arab Darfuris, regardless of their political or other affiliations, are at real risk of persecution".¹⁷² In 2015, the ECtHR concluded again that the Sudanese government is extremely suspicious of Darfuris who travelled or lived abroad.¹⁷³

Both jurisdictions refer to a UNHCR report of 28 November 2008 stating that Darfuris in the Khartoum area are at heightened risk of being subjected to arbitrary arrests and that Darfuris travelling abroad may be viewed with suspicion by the security forces.¹⁷⁴

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.¹⁷⁵

In a document released in October 2017, Waging Peace stated that non-Arab Darfuris still are at risk in Sudan, also when they are sent back to Khartoum. According to Waging Peace, ethnic Darfuris (or persons supposed to belong to this ethnic group) face more systematic forms of discrimination and persecution in the capital, which prevents their relocation.¹⁷⁶

In 2013, the British embassy in Khartoum was told by human rights organizations that returnees from Darfur and the Nuba Mountains run a higher risk of arrest upon arrival than other Sudanese returnees.¹⁷⁷

¹⁶⁹ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], [url](#) ; European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 26, [url](#)

¹⁷⁰ Upper Tribunal, 14/04/2016, par. 203, [url](#)

¹⁷¹ Upper Tribunal, 05/01/2015, p. 1, [url](#)

¹⁷² Upper Tribunal, 05/01/2015, par. 10, [url](#)

¹⁷³ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], par. 57, [url](#)

¹⁷⁴ Upper Tribunal, 14/04/2016, par. 63, [url](#) ; European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 24, [url](#)

¹⁷⁵ Verney P., 10/01/2018, pp. 1-4

¹⁷⁶ Waging Peace, 24/10/2017

¹⁷⁷ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 25, [url](#)

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.¹⁷⁸ 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.¹⁷⁹ 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.¹⁸⁰ 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.¹⁸¹ 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.¹⁸²

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.¹⁸³

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 most of them are members of the Islamic Movement, and are tied through their religion to the Islamic government.¹⁸⁴

Other sources stated that an ethnic profile entails in itself insufficient risk upon return and pleaded for a more individualized approach which would take into account the returnee's political profile.

¹⁷⁸ Amnesty International, 03/11/2016, p. 45, [url](#)

¹⁷⁹ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018; Sudan expert of a prominent international human rights organization, e-mail, 21/01/2018; Sudanese journalist in Khartoum, e-mail, 23/01/2018; Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018; Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 22/01/2018; African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018; Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018; Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018; El Faki M., researcher at McMaster University, Canada, e-mail, 24/01/2018; Sudanese professor of human rights law, Skype interview, 29/01/2018

¹⁸⁰ Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018

¹⁸¹ Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018; Sudanese human rights activist in Khartoum, e-mail, 19/01/2018 ; Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018; African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018; Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018

¹⁸² Sudanese professor of human rights law, Skype interview, 29/01/2018

¹⁸³ Tubiana J., independent journalist and expert on Sudan, Chad, the Horn of Africa, e-mails, 19/09/2017, 01/10/2017; Reeves E., Sudan expert and consultant, François-Xavier Bagnoud Center for Health and Human Rights, Harvard University, e-mail, 13/01/2018; Crowther M., co-director Waging Peace, e-mail, 23/01/2018; Sudanese human rights activist in Khartoum (A), e-mail, 19/01/2018; Sudanese human rights activist in Khartoum (D), e-mail, 25/01/2018 ; Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

¹⁸⁴ Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018

Several sources (IOM; UNHCR; western embassies; Sudanese NGO) told the British-Danish fact-finding mission in early 2016 that a person's ethnicity did not generally affect their treatment on arrival at KIA. UNHCR explained that, due to ethnic diversity, especially in Darfur, and to mixed parentage, it is difficult in practice to treat persons differently on the basis of their tribal affiliation. A western embassy noted that upon arrival at KIA, Darfuris and persons from the Two Areas may be treated rudely and will probably be asked to pay a bribe, and according to a Kampala-based Sudanese NGO, the National Human Rights Monitors Organization (NHRMO), they would be subjected to more intensive questioning and if they are suspected of anti-government activities, they could face detention.¹⁸⁵

In May 2013, the Swiss Federal Administrative Court (FAC) considered that, although still unstable, the situation in Darfur was improving and that attacks against non-Arab Darfuris had decreased. The FAC concluded that Darfuris had to adduce additional distinguishing features, such as political or other affiliations, to substantiate their fear of persecution.¹⁸⁶

The British embassy in Khartoum stated in 2016 that its contacts with Darfuri within civil society and political parties, with UN agencies and other embassies do not suggest ethnic persecution of non-Arab Darfuris settled in regions outside Darfur.¹⁸⁷ The British embassy added that many Darfuris, including non-Arab Darfuris, are represented at senior levels in government, the security forces, and the media.¹⁸⁸

In August 2017, the British Home Office considered that non-Arab Darfuris are not generally at risk of persecution or serious harm in Khartoum solely on the grounds of their ethnicity. This view departs from the British Upper Tribunal's jurisprudence holding that non-Arab Darfuris are eligible for international protection and have no internal relocation alternative,¹⁸⁹ and from its own policy guideline of 2016, which followed the Upper Tribunal's jurisprudence.¹⁹⁰ The Home Office is of the view that a person's non-Arab Darfuri ethnicity is likely to be a factor which may bring them to the attention of the state and, depending on other aspects of their profile and activities, may lead to a risk of serious harm or persecution. The Home Office added that Darfuris in Khartoum face discrimination in accessing public services, education and employment, experience forced eviction, societal harassment from other Sudanese, and do not have access to humanitarian assistance. However in general such treatment is not so severe that it is likely to amount to persecution. Each case has to be considered on its individual facts. The Home Office further noted that all returns are to Khartoum and considers this a reasonable option, including for persons not previously resident in Khartoum. If the person is able to demonstrate a risk of persecution or serious harm in Khartoum, internal relocation to another part of Sudan will not be reasonable.¹⁹¹

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.¹⁹²

¹⁸⁵ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 17, 106-107, [url](#)

¹⁸⁶ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], p. 10, [url](#)

¹⁸⁷ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 23, [url](#)

¹⁸⁸ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 23, [url](#)

¹⁸⁹ Upper Tribunal, 05/01/2015, par. 10, [url](#)

¹⁹⁰ United Kingdom Home Office, *Country Information and Guidance. Sudan: Failed asylum seekers. Version 2.0*, p. 5, 08/2016, [url](#)

¹⁹¹ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Non Arab Darfuris. Version 1.0*, 08/2017, pp. 8-9, [url](#)

¹⁹² African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018

Political profiles

All sources agree that Sudanese political opponents face a risk of persecution upon return if they have been politically active abroad, where the diaspora is kept under close surveillance by the Sudanese secret service.

Several sources of the British-Danish mission (UNHCR; western embassies; Sudanese lawyers and activists in Khartoum and Kampala; Sudanese journalist) emphasized that returnees with a political profile or with rebel connections may be thoroughly questioned and/or arrested at KIA.¹⁹³

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.¹⁹⁴

According to Geir Skogseth of Landinfo, the Sudanese authorities, especially the NISS, keep a close watch on political activities, broadly defined. This also extends to political activities in the diaspora. Individuals with political activities abroad may experience problems with the NISS upon their return, whether voluntary or forced.¹⁹⁵ A collaborator of an international organization stated that the way a person is treated upon return strongly depends on the person's individual profile. It is very dangerous for someone who is publically active in the diaspora to be sent back, but persons who left Sudan merely to find a better life will only face interrogation.¹⁹⁶

The DBA considered that activists from Darfur and the Two Areas would be at greatest risk at KIA. The NHRMO told the British-Danish fact-finding mission that persons from these areas would be questioned extensively about their political activities and risked detention if they were suspected of activities against the government. The NHRMO declared that it is not safe for their collaborators to go to Khartoum. Two human rights lawyers from Khartoum mentioned that political activists are sometimes detained at the airport but that this is not very common. It is now more common for the authorities to obtain information about a returnee, and to arrest him later if he is deemed of interest. The EAC, who is active in Khartoum, noted that arrests of persons with a political profile have become less common since the conclusion of the 2005 Comprehensive Peace Agreement¹⁹⁷ and the return to Sudan of a number of opposition groups.¹⁹⁸

¹⁹³ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 16, [url](#)

¹⁹⁴ Sudan expert of a prominent international human rights organization, e-mail, 21/01/2018; Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018; African Centre for Justice and Peace Studies (ACJPS), e-mail, 18/01/2018; Sudanese human rights activist in Khartoum (C), Skype interview, 23/01/2018; Sudanese journalist in Khartoum, e-mail, 23/01/2018; Sudanese professor of human rights law, Skype interview, 29/01/2018; Albaqir M., director of Al-Khatim Adlan Center for Enlightenment (KACE Sudan), e-mail, 22/01/2018

¹⁹⁵ Skogseth G.J., Sudan expert at Landinfo, e-mail, 12/01/2018

¹⁹⁶ Collaborator of an international organization with many years of experience in Sudan, Skype interview, 17/01/2018

¹⁹⁷ The Comprehensive Peace Agreement of 9 January 2005 between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement/Army (SPLM/A) put an end to a twenty-year-long internal conflict: International Crisis Group (ICG), 25/07/2005, [url](#)

¹⁹⁸ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 15-16, [url](#)

A Sudan researcher at HRW pointed out in July 2017 to the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) that a Darfuri returning to KIA would probably not be targeted merely because of his ethnic background. Possible discrimination of a Darfuri returnee at KIA would rather depend on the profile of the person, on his ethnic background and political activities, which might arouse suspicion of rebel sympathies. The HRW researcher added that membership of the Hizb al-Umma (National Umma Party, NUP) and some other opposition parties would not necessarily be considered an aggravating factor as this party is part of the “acceptable opposition” with a handful of other parties.¹⁹⁹

On the other hand, Jérôme Tubiana stated in his e-mail to ACCORD of July 2017 that Darfuris are likely to be interrogated by security, and possibly beaten or tortured, detained, and even killed. He added that Hizb al-Umma or other opposition affiliation is an aggravating factor.²⁰⁰

Amnesty International considers that Sudanese coming from areas other than Darfur and the Two Areas must not be sent back to Sudan when they are accused of opposition activities.²⁰¹

The British Upper Tribunal estimated in April 2016 that not all political opponents suffer persecution and that for this to happen, their level of political engagement has to be fairly high. The Upper Tribunal added that *sur place* activities may entail a risk, for instance when the activities are public and known to the intelligence service. It does not take much for the NISS to create a file on an opponent but this does not necessarily mean that the file will be used later on.²⁰² However, the British Sudan expert Peter Verney told the Upper Tribunal that little more than suspicion is sometimes enough to detain someone.²⁰³

Relying on the Upper Tribunal’s jurisprudence, the British Home Office noted that there is a risk of persecution or serious harm for those who oppose the government, including members of the political opposition or civil society, student activists and journalists, who may be subjected to arbitrary arrest and detention, forced disappearance and ill-treatment. The Home Office added that not every person belonging to a category at risk will be persecuted and assessed the risk as follows:

“The risk a person faces will depend on their profile and activities, and whether they are likely to be perceived as a threat to, and attract the attention of, the authorities in such a way that amounts to more than a routine, commonplace risk of detention and questioning but meets the threshold of a real risk of persecution or serious harm.”²⁰⁴

In an e-mail to the CGRS, Waging Peace deplored that the Upper Tribunal and the Home Office are minimizing the risk of widespread arrests and detention, so as not to reach the threshold of “risk of serious harm”. The NGO considers this an “unwarranted reformulation of the Refugee Convention”. Moreover, according to Waging Peace, it’s up to the asylum applicant to prove that he or she is a person of interest, whereas repression in Sudan is of an arbitrary nature and claiming refugee status is in itself a political act.²⁰⁵

A number of sources contacted by the CGRS (Waging Peace; human rights activist (C) and journalist in Khartoum; human rights lawyer in Khartoum; Sudanese professor) have knowledge of a blacklist of persons wanted by the authorities.²⁰⁶ The NISS relies on a detailed and sophisticated database,

¹⁹⁹ Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD), 09/2017, p. 125, [url](#)

²⁰⁰ Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD), 09/2017, p. 125, [url](#)

²⁰¹ Amnesty International, 03/11/2016, p. 45, [url](#)

²⁰² Upper Tribunal, 14/04/2016, par. 37, [url](#)

²⁰³ Upper Tribunal, 14/04/2016, par. 159, [url](#)

²⁰⁴ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Opposition to the government, including sur place activity. Version 1.0*, 08/2017, p. 12, [url](#)

²⁰⁵ Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

²⁰⁶ Crowther M., co-director of Waging Peace, e-mail, 23/01/2018; Sudanese journalist in Khartoum, e-mail, 23/01/2018; Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

according to Reeves²⁰⁷, and creates files on individuals, according to a Sudanese human rights activist and a collaborator of an international organization. The latter does not believe that files are created on individuals who are not viewed as a threat.²⁰⁸

A number of testimonies included in Waging Peace's report of 2014 show that Sudanese activists and opposition members returned several times to Sudan without problems, possibly because of their status, but that this privilege can be revoked when tensions are high. The moment of the return to Sudan can therefore also be a risk factor. Waging Peace refers to the detention of Mariam El Mahdi, vice-president of the Hizb al-Umma, and to the testimony of Dr Sidgi Awad Kabbalo, member of the Sudanese Communist Party.²⁰⁹

2.4. Overview of reported problems with the authorities upon arrival in Khartoum

This chapter gives an overview of problems returnees encountered with the authorities upon arrival, as reported by domestic and international organizations. These problems occurred mainly at KIA, but in a number of cases happened later. Recent cases will mainly be examined (from 2015 onwards).

The CGRS asked contact persons if they had any knowledge of concrete cases where voluntary or forced returnees to Sudan faced problems upon arrival. One out of two contact persons mentioned concrete instances, ranging from mere interrogation by the intelligence service to cases of torture. Several contact persons referred to cases reported by the regional press in more or less detail, namely the forced return of Sudanese refugees or asylum applicants from Jordan at the end of 2015 and the death in custody of an asylum applicant after his return from Israel. Some cases of repatriation from Italy, the United Kingdom, Uganda and Saudi Arabia were also mentioned, as well as a case of repatriation from Juba with an undetermined point of departure.

Jordan

Several sources (lawyers and NGOs in Khartoum and abroad) told the British-Danish fact-finding mission that some of the roughly 800 persons returned forcibly by Jordan in December 2015 were arrested on arrival and detained, and that some of them may have experienced prolonged detention or physical mistreatment and/or were placed on reporting arrangements or travel restrictions. Other sources (IOM; NGOs and a journalist in Khartoum) noted that returnees from Jordan had been processed smoothly.²¹⁰

In January 2016, Amnesty International interviewed twelve Sudanese, mainly Darfuris, who had been forcibly returned from Jordan. They declared that they were arrested upon arrival, beaten and tortured, but Amnesty International does not give further details in its public reports.²¹¹ The CGRS received from Amnesty International's researcher for Sudan six of these testimonies, which were also sent to the Office of the United Nations High Commissioner for Human Rights (OHCHR) (see annex).²¹² 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

²⁰⁷ Reeves E., Sudan expert and consultant, François-Xavier Bagnoud Center for Health and Human Rights, Harvard University, e-mail, 13/01/2018

²⁰⁸ Sudanese human rights activist in Khartoum (D), e-mail, 25/01/2018; Collaborator of an international organization with many years of experience in Sudan, Skype interview, 17/01/2018

²⁰⁹ Waging Peace, Article 1, 09/2014, p. 29, [url](#)

²¹⁰ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 14, [url](#)

²¹¹ Amnesty International, 03/11/2016, p. 45, [url](#); Amnesty International, 07/2017, p. 15, [url](#)

²¹² Amnesty International's researcher for Soudan collected the testimonies by telephone and via Skype in Cairo. He specified that only the most important testimonies were communicated to the OHCHR and that the other witnesses were not asked if the information they gave could be made public: Amnesty International Vlaanderen, e-mail, 30/01/2018

detention by the NISS they were beaten, handcuffed, blindfolded and insulted by NISS agents. Upon arrival, returnees were 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".²¹³

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 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.²¹⁴

In January 2017 Waging Peace published two testimonies from Sudanese who had been recognized as refugees by UNHCR in Jordan but were nevertheless forcibly repatriated.

- A.Y., from South Darfur, was detained in Khartoum for 22 days. He was beaten and interrogated about the demonstrations in front of UNHCR office in Amman, about his declarations to the media and involvement with a Christian group in Jordan. Amnesty International interviewed a returnee bearing a similar name. This is possibly the same person.²¹⁵
- A.A.O., from Darfur and of Tunjur ethnicity, took part in the demonstrations in front of UNHCR office in Amman. He was detained for three days in Khartoum and interrogated about

²¹³ Amnesty International, s.d. [received from Amnesty International by e-mail on 16/01/2017]; Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018

²¹⁴ Amnesty International, s.d. [received from Amnesty International by e-mail on 16/01/2017]

²¹⁵ Elzobier A., Sudan researcher at Amnesty International, e-mail, 17/01/2018

his ethnic background (tribal affiliation) and his contacts with the Christian community. He declared that he was beaten and showed traces of lashings.²¹⁶

In an e-mail to the CGRS, Bushra Gamar (HUDO) also mentioned the names of a number of returnees who were tortured and whose testimonies were recorded by Amnesty International.²¹⁷

Niemat Ahmadi (DWAG) told the CGRS in an e-mail that her organization was in touch with a family of returnees, some of which were able to leave Sudan again. A Sudanese woman in Jordan, A.B., declared that her 24-year-old son was among the group of returnees, was last seen at KIA, never rejoined his family in Sudan and did not contact his mother in Amman.²¹⁸

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.²¹⁹

Some testimonies were also published by the media, such as the Jordanian webzine 7iber, The Guardian newspaper or the Washington-based media website Al-Monitor. Sudanese returned from Jordan declared they were interrogated, intimidated and subjected to racial slurs, detained up to 45 days in solitary confinement, beaten and tortured.²²⁰

Three Sudanese who had been forcibly repatriated from Jordan told the Jordanian webzine 7iber that the Sudanese returnees were put on buses after a check at the airport and stopped by the security services after a short ride. Some passengers were able to flee, others were arrested.²²¹ The Guardian reported a month after the facts that more than a hundred returnees were still being detained according to Sudanese activists and returnees, and that some were still unaccounted for.²²²

Israel

Human rights organizations noted that, under Sudanese law, a visit to Israel carries a prison sentence of up to ten years. According to two Israeli NGOs, Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF) and Hotline for Refugees and Migrants, any person suspected of being Jewish or to have contacts in Israel is at risk in Sudan. HRW stated that this creates a situation of *sur place* refugees who have a well-founded fear arising as a consequence of events that happened or activities the asylum applicant engaged in after leaving their country of origin. HRW is of the view that Israel should therefore recognize all Sudanese as refugees on a prima facie basis.²²³

In her e-mail to the CGRS, Niemat Ahmadi (DWAG) 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.²²⁴

²¹⁶ Waging Peace, 01/2017, [url](#)

²¹⁷ They were only identified by their initials (A.H.A.; S.I.A.N.; E.O.S.; N.Z.I.; Y.I.; A.A.A.; M.E.; A.I.): Gamar B., director of Human Rights and Development Organization (HUDO), e-mails, 17/01/2018, 18/01/2018

²¹⁸ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

²¹⁹ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

²²⁰ 7iber (Gibreel D.), 19/09/2017, [url](#) ; The Guardian (Staton B.), 19/01/2016, [url](#) ; The Japan Times, 21/12/2015, [url](#) ; Al Jazeera (Lucente A.), 03/02/2016, [url](#) ; Al-Monitor (Staton B.), 08/03/2017, [url](#)

²²¹ 7iber (Gibreel D.), 19/09/2017, [url](#)

²²² The Guardian (Staton B.), 19/01/2016, [url](#)

²²³ Human Rights Watch (HRW), 09/09/2014, p. 4, [url](#) ; Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, p. 16, [url](#)

²²⁴ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

A number of sources interviewed by the British-Danish fact-finding mission (Sudanese human rights lawyers and NGOs; western embassy) stated in early 2016 that returnees from Israel face a heightened risk of thorough interrogation and/or arrest.²²⁵ Several sources (Sudanese lawyers, a Sudanese NGO, foreign NGOs) mentioned that returnees from Israel were arrested on arrival and detained, and that some may have experienced prolonged detention or physical mistreatment and/or were placed on reporting arrangements or travel restrictions.²²⁶ In 2016, the British Upper Tribunal found no evidence that returnees from Israel, although likely to be questioned, are for this reason alone subjected to persecution.²²⁷

In a report of September 2014, HRW interviewed seven Sudanese returning from Israel. Three of them were held for a long period of time. One of them was detained for four months, during which he was tortured with boiling water and electric shocks. He was asked repeatedly about his links with the opposition from Darfur. Another one was detained for eight weeks, at times in solitary confinement, and charged with treason. Another returnee disappeared after his arrival in Khartoum, according to his brother. Four other returnees interviewed by HRW were released after a short period of time.²²⁸

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.²²⁹

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.²³⁰ Other witnesses told human rights organizations or *Haaretz* that relatives in Sudan were being intimidated or ill-treated because of their stay in Israel.²³¹

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.²³²

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.²³³

Several sources mention the case of a Sudanese arrested by the NISS upon arrival at KIA and who died in custody on 24 November 2016. Mohamed Ahmed Mohamed Adam (according to Radio Dabanga) or Mohamed Ahmed Ali (according to Waging Peace), who was from Al-Jazirah State and

²²⁵ United Kingdom Home Office, Danish Immigration Service, 08/2016, pp. 13, 18 [url](#)

²²⁶ United Kingdom Home Office, Danish Immigration Service, 08/2016, p. 14, [url](#)

²²⁷ Upper Tribunal, 14/04/2016, par. 191, [url](#)

²²⁸ Human Rights Watch (HRW), 09/09/2014, pp. 4, 42-46, [url](#)

²²⁹ Human Rights Watch (HRW), 09/09/2014, p. 45, [url](#)

²³⁰ Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, pp. 17-18, [url](#)

²³¹ Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, pp. 17-18, [url](#) ; Human Rights Watch (HRW), 09/09/2014, p. 45, [url](#)

²³² Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), Hotline for Refugees and Migrants, 04/2015, p. 18, [url](#)

²³³ Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

was not politically active, according to his brother, had decided to return voluntarily to Sudan after some years in Israel. The NISS claims that he jumped out of a window during his interrogation, although the windows in the building concerned are sealed, according to USDOS. His relatives told local media that his body did not carry any visible signs of a fall from the 5th floor, according to Suliman Baldo in an answer to a query from the CGRS.²³⁴ He was buried without an autopsy, according to Waging Peace and Radio Dabanga. Waging Peace considers that this case, far from being specific to repatriation from Israel, illustrates the way detainees are treated by the NISS.²³⁵

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.²³⁶

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.²³⁷

A human rights lawyer in Khartoum told the CGRS in an e-mail that he spoke in December 2016 to one of the Sudanese repatriated by Italy. This returnee was detained with five others for 35 days, interrogated and tortured (beatings, exposure to very cold temperatures, sleep deprivation). He does not know what happened to the other five after his release. He eventually returned to Europe.²³⁸

Amnesty International was told by one of the Sudanese repatriated by Italy that among them was a group of fifteen Sudanese from Darfur, the others originating from other regions in Sudan. Witnesses told Amnesty International, the Sudanese Rights Group Huqooq and a Sudan expert of a prominent human rights organization that they were interrogated upon arrival about their journey, identity and origin and that they were beaten. Another witness declared that he had been treated reasonably by the NISS.²³⁹ Waging Peace saw other testimonies from Sudanese repatriated from Italy who feared for their relatives' physical integrity and their own. They believed they were being watched by the intelligence service but Waging Peace gave no further details.²⁴⁰

In order to gather evidence for their case before the ECtHR, the ASGI lawyers who defend five Darfuris repatriated by Italy travelled to Khartoum in December 2016 with a delegation of European MPs from the European United Left/Nordic Green Left (GUE/NGL).²⁴¹ One of the lawyers, Dario Belluccio, explained in his e-mail to the CGRS that they were able to meet all their clients in Khartoum but not without difficulty, mainly because their clients feared to talk about their personal situation in Sudan. Their fear arose from the controls they were constantly subjected to and from possible eavesdropping on their conversation. They mentioned the confiscation of documents which

²³⁴ Baldo S., senior advisor for Enough Project, UN Independent Expert on Mali, e-mail, 15/01/2018

²³⁵ Waging Peace, 01/2017, [url](#) ; Radio Dabanga, 25/11/2016, [url](#) ; United States Department of State (USDOS), 03/03/2017, [url](#)

²³⁶ Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 19/09/2017

²³⁷ Sudan Social Development Organization (SUDO UK), s.d., p. 2, [url](#)

²³⁸ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

²³⁹ Amnesty International, 29/09/2016, p. 10, [url](#) ; Amnesty International, 03/11/2016, pp. 44-45, [url](#) ; Sudanese Rights Group Huqooq, s.d., [url](#) ; Sudan expert of a prominent international human rights organization, e-mail, 21/01/2018

²⁴⁰ Waging Peace, 01/2017, [url](#)

²⁴¹ European United Left/Nordic Green Left European Parliamentary Group (GUE/NGL), s.d., [url](#) ; La Repubblica (Zandonini G.), 17/02/2017, [url](#)

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 five years.

Belluccio also stressed that it was very difficult to move freely in Khartoum, even as part of an EU parliamentary mission, and that they were constantly being watched at their hotel and outside. 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.²⁴²

United Kingdom

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 voluntarily 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.²⁴³

A Sudanese woman 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.²⁴⁴

In a report of September 2012, Waging Peace interviewed five Sudanese: three Darfuris, one Nuba and one Beja from East Sudan.²⁴⁵ Three of them were rejected asylum applicants (two were forcibly repatriated and one voluntarily) and the other two returned by their own means.²⁴⁶

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.²⁴⁷

Waging Peace pointed out that all six of them were detained as political prisoners, who are often treated more harshly than non-political detainees. In its 2012 report, Waging Peace also mentioned that a high number of Darfuris are detained as political prisoners and subjected to serious ill-treatment. On the basis of these testimonies, the NGO concluded that the security services consider that an asylum application is seen as damaging Sudan's international reputation and that anti-government activities are taken particularly seriously.²⁴⁸

²⁴² Belluccio D., lawyer, Associazione Studi Giuridici sull'Immigrazione (ASGI), e-mail, 23/01/2018 ; La Repubblica (Zandonini G.), 17/02/2017, [url](#)

²⁴³ The Independent (Verkaik R.), 17/03/2009, [url](#) ; The Telegraph, 17/03/2009, [url](#) ; Abdelbagi J., Darfur Relief and Documentation Centre (DRDC), e-mail, 24/01/2018

²⁴⁴ The Telegraph (McElroy D.), 20/10/2014, [url](#)

²⁴⁵ Waging Peace, 09/2012, p. 4, [url](#) ; United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, pp. 14-16, [url](#)

²⁴⁶ The report also contains the testimony of a British national who went to Sudan on a business trip, was arrested by the NISS on suspicion of having links with the pro-democracy movements in the Arab Spring, spent close to a month in detention and was tortured. The Guardian also devoted an article to his case: Waging Peace, 09/2012, pp. 6, 10, 56, [url](#) ; The Guardian (Dehghan S.K., Copnall J.), 06/08/2012, [url](#)

²⁴⁷ Waging Peace, 09/2012, pp. 6, 10, 31, [url](#)

²⁴⁸ Waging Peace, 09/2012, p. 14, [url](#)

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.²⁴⁹

Waging Peace emphasized that the ethnic background of the witnesses interviewed in 2012 and 2014 shows that not only Darfuris but also members of other ethnic groups are at risk.²⁵⁰ For its part, the British Home Office stressed that most witnesses came from conflict areas, mainly Darfur but also South Kordofan, were politically active and involved with opposition groups or participated in public demonstrations (in Downing Street or in front of the Sudanese embassy).²⁵¹ The Home Office does not specify why these Sudanese were initially sent back to Sudan.

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, ill-treated, or even tortured, or whose families have been targeted".²⁵²

France

A Sudanese repatriated in March 2017 after an interview with a Sudanese identification mission in France declared to Street Press that he was detained for eight days upon his arrival at KIA. The Sudanese authorities were particularly interested in his travel route in Europe and in the persons he met during his travels.²⁵³

In an e-mail of November 2017, Jérôme Tubiana mentioned two Sudanese who encountered problems after their return from France. Both were from Darfur and the Zaghawa ethnic group:

"- [H.A.], spent a year in France, was rejected from asylum (including appeal), returned voluntarily to Khartoum, was arrested after a month in the Jezira, in August.

- [M.A.M.], same story, returned recently, and was reportedly jailed since."²⁵⁴

Tubiana confirmed in his e-mails of January 2018 that both men had returned to Sudan after the rejection of their asylum application. He did not manage to obtain any further information.²⁵⁵

Other countries

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.²⁵⁶ The CGRS did not find any other information about this incident.

²⁴⁹ Waging Peace, Article 1, 09/2014, p. 15, [url](#)

²⁵⁰ Waging Peace, 09/2012, p. 35, [url](#) ; Waging Peace, Article 1, 09/2014, p. 28, [url](#)

²⁵¹ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, pp. 14-16, [url](#) ; United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 17, [url](#) ; United Kingdom Home Office, *Country Information and Guidance. Sudan: Failed asylum seekers. Version 2.0*, 08/2016, p. 10, [url](#)

²⁵² Crowther M., co-director of Waging Peace, e-mail, 23/01/2018

²⁵³ Street Press (Staius T., Gautheron P.), 01/10/2017, [url](#)

²⁵⁴ Tubiana J., independent journalist and expert on Sudan, Chad, the Horn of Africa, e-mail, 06/11/2017

²⁵⁵ Tubiana J., independent journalist and expert on Sudan, Chad, the Horn of Africa, e-mails, 12/01/2018, 22/01/2018

²⁵⁶ Ahmadi N., founder and president of Darfur Women Action Group (DWAG), e-mail, 25/01/2018

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.²⁵⁷

In July 2017, despite a plea from Amnesty International²⁵⁸, Saudi Arabia sent back to Sudan two activists and a journalist who had been arrested in December 2016. The three of them had expressed their support for protest actions held in Sudan at the end of 2016.²⁵⁹ Upon arrival at KIA, they were detained by the NISS, according to Amnesty International.²⁶⁰ Two of them were released without charges on 22 August 2017 and the third one on 1 October 2017.²⁶¹

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.²⁶²

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.²⁶³

Belgium

In September and October 2017, several hundred transit migrants, including migrants supposed to be Sudanese or Eritrean nationals, were arrested in Brussels. Most of them wished to continue their journey to the UK and declined to apply for asylum. Most of them did not have (valid) identity documents.²⁶⁴

In order to determine their nationality, Theo Francken, Secretary of State for Asylum and Migration, asked an identification mission from Sudan to interview dozens of supposed Sudanese in the second half of September 2017, mainly in closed removal centres.²⁶⁵ A few dozen were identified as Sudanese and ten of them were repatriated at the end of September and in mid-November 2017.²⁶⁶ One of them returned voluntarily and the other nine were forcibly sent back, in some cases with an escort.²⁶⁷

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.²⁶⁸

²⁵⁷ Sudanese human rights lawyer in Khartoum, e-mail, 19/01/2018

²⁵⁸ Amnesty International, 10/07/2017, [url](#)

²⁵⁹ Americans for Democracy & Human Rights in Bahrain (ADHRB), 03/08/2017, [url](#)

²⁶⁰ Amnesty International, 26/07/2017, [url](#)

²⁶¹ Amnesty International, 24/08/2017, [url](#) ; Amnesty International, 03/10/2017, [url](#)

²⁶² Radio Dabanga, 13/12/2017, [url](#)

²⁶³ Adam T., journalist, analyst at the Commission for International Justice & Accountability (CIJA), e-mail, 22/01/2018

²⁶⁴ VRT NWS, 18/09/2017, [url](#) ; Amnesty International, 30/01/2018, [url](#)

²⁶⁵ VRT NWS, 18/09/2017, [url](#)

²⁶⁶ Belga, 29/09/2017, [url](#)

²⁶⁷ VRT NWS, 02/01/2018, [url](#)

²⁶⁸ De Standaard, 20/12/2017, [url](#) ; Het Laatste Nieuws, 20/12/2017, [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.²⁶⁹

Amnesty International stated at the end of January 2018 that Belgium had violated the *non-refoulement* 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).²⁷⁰

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].²⁷¹ 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.²⁷²

The Belgian government asked the CGRS in December 2017 to assess the repatriations to Sudan.²⁷³ This assessment is the subject of a separate memo from the CGRS.

3. International jurisprudence on repatriation to Sudan

Both the ECtHR and the Asylum Chamber of the UK Upper Tribunal have recently ruled on several cases regarding the repatriation of Sudanese rejected asylum applicants. Neither court defends a blanket ban on repatriation to Sudan but both ruled against repatriation in specific cases, including cases where article 2 or 3 of the European Convention on Human Rights (ECHR) would have been violated.²⁷⁴

Article 2.1 ECHR:

"Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

Article 3 ECHR:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

3.1. UK Upper Tribunal

In the past few years, the Immigration and Asylum Chamber of the UK Upper Tribunal, an administrative court of appeals, has rendered several decisions on the repatriation of Sudanese asylum applicants.

²⁶⁹ De Standaard, 21/12/2017, [url](#)

²⁷⁰ Amnesty International, 30/01/2018, [url](#)

²⁷¹ Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018; Agabeldour A., writer and human rights activist, director of the African International Institute for Peace (AFIIP), e-mail, 15/01/2018

²⁷² Elgasim A.M., External Relations Secretary at the Darfur Bar Association (DBA), e-mail, 16/01/2018

²⁷³ Radio-télévision belge de la communauté française (RTBF), 09/01/2018, [url](#)

²⁷⁴ European Court of Human Rights (ECtHR), 04/11/1950, p. 6, [url](#)

In a decision of April 2016, the Tribunal defined in detail the concepts of “person at risk” and “harm” with regard to repatriations to Sudan.²⁷⁵ The tribunal, quoted by the ECtHR in a judgement of May 2017,²⁷⁶ defines these concepts as follows:

“1. In order for a person to be at risk on return to Sudan there must be evidence known to the Sudanese authorities which implicates the claimant in activity which they are likely to perceive as a potential threat to the regime to the extent that, on return to Khartoum there is a risk to the claimant that he will be targeted by the authorities.

2. The evidence draws a clear distinction between those who are arrested, detained for a short period, questioned, probably intimidated, possibly rough handled without having suffered (or being at risk of suffering) serious harm and those who face the much graver risk of serious harm. The distinction does not depend upon the individual being classified, for example, as a teacher or a journalist (relevant as these matters are) but is the result of a finely balanced fact-finding exercise encompassing all the information that can be gleaned about him.

3. Distinctions must be drawn with those whose political activity is not particularly great or who do not have great influence. Whilst it does not take much for the NISS [National Intelligence and Security Service] to open a file, the very fact that so many are identified as potential targets inevitably requires NISS to distinguish between those whom they view as a real threat and those whom they do not.

4. It will not be enough to make out a risk that the authorities’ interest will be limited to the extremely common phenomenon of arrest and detention which though intimidating (and designed to be intimidating) does not cross the threshold into persecution.”²⁷⁷

The Tribunal adds:

“The final analysis will remain the same: has the claimant established there is a real risk that he, the claimant, will come to the attention of the authorities on return in such a way as amounts to more than the routine commonplace detention and release but meets the threshold of serious harm.”²⁷⁸

MM (Darfuris) Sudan CG [2015] UKUT 00010 (IAC), 05/01/2015²⁷⁹

The case of MM (Darfuris) Sudan CG of 5 January 2015 concerns a non-Arab Sudanese (of Berti ethnicity) from Darfur.

The Upper Tribunal confirms that the term “Darfuri” is to be understood as an ethnic term relating to origins, not as a geographical term. The appellant has to be considered a Darfuri although he has never lived in Darfur.²⁸⁰

The Tribunal concurs with the UK Border Agency (UKBA), who states in its Operational Guidance Note on Sudan of 2 November 2009:

“All non-Arab Darfuris, regardless of their political or other affiliations, are at real risk of persecution in Darfur and internal relocation elsewhere in Sudan is not currently to be relied

²⁷⁵ Upper Tribunal, 14/04/2016, [url](#)

²⁷⁶ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 25, [url](#)

²⁷⁷ Upper Tribunal, 14/04/2016, pp. 1-2, [url](#)

²⁷⁸ Upper Tribunal, 14/04/2016, p. 58, [url](#)

²⁷⁹ Upper Tribunal, 05/01/2015, [url](#)

²⁸⁰ Upper Tribunal, 05/01/2015, p. 1, [url](#)

upon. Claimants who establish that they are non-Arab Darfuris and who do not fall within the exclusion clauses will therefore qualify for asylum."²⁸¹

The Tribunal concludes that the appellant's appeal is to be allowed:

"The appellant has established that he faces a real risk of persecution on return as a non-Arab who will be perceived as a non-Arab Darfuri. It is self-evident that the fear or persecution he faces is on account of the Refugee Convention ground of race."²⁸²

IM and AI (Risks – membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016], 14/04/2016²⁸³

In the case of IM and AI (Risks – membership of Beja Tribe, Beja Congress and JEM) Sudan CG, the Upper Tribunal takes two different decisions on 14 April 2016.

The first case concerns a Sudanese appellant (IM) of the Beja tribe from East Sudan who became politically active in the UK, where he joined the Justice and Equality Movement (JEM), a rebel movement in Darfur. The Tribunal decides:

"There is a reasonable likelihood that on arrival at Khartoum, the authorities will investigate the appellant and this will result in an information trail identifying sufficient about him to engage the interest of NISS (National Intelligence and Security Service) and that if a significant part of what we know about him is revealed, this will place him at risk such as to render him a Convention refugee."²⁸⁴

The Tribunal concludes that the appeal is to be allowed under article 3 ECHR.²⁸⁵

The second case concerns a Sudanese appellant (AI) who claims to be a member of the Berti tribe from Darfur and an active member of the JEM. The Tribunal rejects these claims,²⁸⁶ clarifies some general principles regarding forced repatriation of rejected asylum applicants to Sudan,²⁸⁷ and concludes:

"This only leaves open a bare claim that he will return to Sudan as an involuntary returnee or a failed asylum seeker. As such the evidence does not permit a finding of fact that AI is at real risk of serious harm for that reason alone."²⁸⁸

The Tribunal rejects the appeal:²⁸⁹

"It 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 NISS on that basis alone."²⁹⁰

In its decision, the Tribunal quotes a letter of 2013 from the British embassy in Khartoum stating that UNHCR and the Dutch, German and other European embassies have no knowledge of "returned asylum seekers being mistreated by the Sudanese security agencies".²⁹¹ The British embassy contacts UNHCR, IOM and several European embassies again in February 2015 and writes that "it

²⁸¹ Upper Tribunal, 05/01/2015, par. 10, [url](#)

²⁸² Upper Tribunal, 05/01/2015, par. 15, [url](#)

²⁸³ Upper Tribunal, 14/04/2016, [url](#)

²⁸⁴ Upper Tribunal, 14/04/2016, par. 246, [url](#)

²⁸⁵ Upper Tribunal, 14/04/2016, p. 62, [url](#)

²⁸⁶ Upper Tribunal, 14/04/2016, par. 248, [url](#)

²⁸⁷ Upper Tribunal, 14/04/2016, par. 24, [url](#)

²⁸⁸ Upper Tribunal, 14/04/2016, par. 250, [url](#)

²⁸⁹ Upper Tribunal, 14/04/2016, p. 62, [url](#)

²⁹⁰ Upper Tribunal, 14/04/2016, par. 225, [url](#)

²⁹¹ Upper Tribunal, 14/04/2016, par. 67, [url](#)

remains the case that none of our international partners were aware of any cases of returnees being mistreated on return to Sudan.”²⁹²

The Tribunal also points out that substantial numbers of Sudanese are returning voluntarily to Sudan with the help of UNHCR from neighbouring countries and that this “does not suggest a generalised risk”.²⁹³

3.2. European Court of Human Rights (ECtHR)

Over the past few years, the ECtHR has ruled on several cases of Sudanese who appealed against their planned forced repatriation. In most cases, the Court decides that repatriation would contravene article 3 ECHR, but in two cases it concludes that repatriation can take place.

Case of A.A. v. Switzerland, 07/01/2014²⁹⁴

The ECtHR examines the case of a Sudanese claiming to be of Fur ethnicity and to have become a political activist in Switzerland (*sur place*) and an active member of the Sudan Liberation Movement-Unity (SLM-Unity) and Darfur Peace and Development Centre.²⁹⁵

The appellant’s ethnicity cannot be ascertained but the Court bases its decision mainly on his political activities.

The Court refers to the Swiss Federal Administrative Court (FAC) which concluded in 2013 that so-called *sur place* activities, when they reach a certain level, may entail a risk of persecution:

“In the specific case the FAC concluded that the claimant could not be returned to Sudan because he had, on account of his publicly exposed political activities as high-ranking SLM member in Switzerland, certainly been registered by the Sudanese government and would therefore be at risk of persecution in his country of origin.”²⁹⁶

The ECtHR states that the appellant does not have a highly visible political profile and that in many countries he would not be at risk,²⁹⁷ but that a risk exists in Sudan because “not only leaders and high-profile people, but also those merely suspected of supporting opposition movements are at risk of treatment contrary to Article 3 of the Convention in Sudan.”²⁹⁸

The ECtHR concludes that his forced repatriation would give rise to a violation of article 3 ECHR.²⁹⁹

“It therefore finds that there are substantial grounds for believing that he might be known to the Sudanese government and would be at risk of being detained, interrogated and tortured as soon as he arrived at the airport in Sudan. Moreover, he would not have the opportunity to relocate. Accordingly, the Court finds that the implementation of the deportation order against the applicant would give rise to a violation of Article 3 of the Convention.”³⁰⁰

²⁹² Upper Tribunal, 14/04/2016, par. 68, [url](#)

²⁹³ Upper Tribunal, 14/04/2016, par. 198, [url](#)

²⁹⁴ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], [url](#)

²⁹⁵ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 12, [url](#)

²⁹⁶ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 29, [url](#)

²⁹⁷ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 42, [url](#)

²⁹⁸ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 43, [url](#)

²⁹⁹ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], p. 22, [url](#)

³⁰⁰ European Court of Human Rights (ECtHR), 07/01/2014 [final 07/04/2017], par. 43, [url](#)

Case of A.F. v. France, 15/01/2015³⁰¹

This case concerns a Sudanese whose asylum application was rejected by France. He claims to be a Tunjur from South Darfur who had been politically active in Sudan and pursued his activities in France. The ECtHR accepts these claims.

In its decision, the Court refers to several international reports and to its own judgement in the case of A.A v. Switzerland of 7 January 2014, to the effect that "la seule appartenance d'un individu à une ethnie non arabe du Darfour entraîne pour ce dernier un risque de persécutions et qu'il n'existe aucune possibilité de relocalisation dans le pays."³⁰² According to the court, various international reports show that members of opposition movements and rebel groups are especially at risk.³⁰³

The ECtHR adds that a risk upon arrival at KIA is likely for Darfuris:

"Au vu de la méfiance témoignée par les autorités soudanaises à l'encontre des darfouris ayant voyagé à l'étranger, la Cour estime enfin probable que le requérant, à son arrivée à l'aéroport de Khartoum, attire l'attention défavorable de ces dernières en raison de ses quelques années passées à l'étranger."³⁰⁴

The Court concludes that a forced return to Sudan would give rise to a violation of article 3 ECHR:³⁰⁵

"En conséquence, la Cour considère que, compte tenu du profil du requérant et de la situation de violences endémiques perpétrées à l'égard des membres des ethnies darfouries, son renvoi vers le Soudan l'exposerait, au vu des circonstances de l'espèce, à un risque de mauvais traitements au regard de l'article 3 de la Convention."³⁰⁶

Case of A.A. v. France, 15/01/2015³⁰⁷

This case also concerns a Sudanese whose asylum application was rejected by France. The appellant, from the Birqid tribe, a non-Arab tribe from Darfur, claims to be under suspicion of sympathizing with the JEM, a rebel movement. The Court accepts these claims.

The Court quotes several international reports and its own judgement in A.A v. Switzerland of 2014 to the extent that available information points to a risk for non-Arab Darfuris in Sudan and for political opponents and members of rebel movements.³⁰⁸

The Court adds that there is a heightened risk of ill-treatment for returnees viewed as supporting the JEM:

"S'il est manifeste que les autorités locales portent un intérêt particulier aux darfouris transitant par Khartoum après un séjour à l'étranger, le fait que le requérant soit considéré comme un soutien du JEM ne peut qu'aggraver le risque de mauvais traitement à son égard."³⁰⁹

³⁰¹ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], [url](#)

³⁰² European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], par. 50, [url](#)

³⁰³ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], par. 49, [url](#)

³⁰⁴ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], par. 57, [url](#)

³⁰⁵ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], p. 15, [url](#)

³⁰⁶ European Court of Human Rights (ECtHR), *Affaire A.F. c. France (Requête no 80086/13)*, 15/01/2015 [final 15/04/2015], par. 58, [url](#)

³⁰⁷ European Court of Human Rights (ECtHR), *Affaire A.A. c. France (Requête no 18039/11)*, 15/01/2015 [final 15/04/2015], [url](#)

³⁰⁸ European Court of Human Rights (ECtHR), *Affaire A.A. c. France (Requête no 18039/11)*, 15/01/2015 [final 15/04/2015], par. 56, [url](#)

The Court concludes that a forced return to Sudan would give rise to a violation of article 3 ECHR.³¹⁰

Case of R.B.A.B. and others v. the Netherlands, 07/06/2016³¹¹

This case concerns a Sudanese family whose first asylum application in the Netherlands dates back to 2001. In successive applications, this family put forward ethnic grounds (South Kordofan), political grounds and a risk of female genital mutilation for one of their daughters.

The Court only investigates the fear of FGM and decides that there is no risk regarding article 3 ECHR:³¹²

“The Court does not find that it has been demonstrated that the fourth applicant will be exposed to a real risk of being subjected to FGM and thus to treatment contrary to Article 3 upon return to Sudan. Accordingly, her removal would not give rise to a violation of Article 3 of the Convention. As the allegations of the first, second and fifth applicants are all contingent on the risks to the fourth applicant, it follows that their removal would not give rise to a violation of Article 3 of the Convention, either.”³¹³

Case of A.I. v. Switzerland, 30/05/2017³¹⁴

This case concerns a Sudanese asylum applicant, a Fula from south-east Sudan, who claims he was politically active in the opposition in Sudan and pursued his activities in Switzerland. The Court accepts these claims.

The Court refers to case law and international reports showing that human rights violations are widespread in Sudan and that active political opponents face detention upon return at KIA.³¹⁵

The Court also quotes a ruling of 27 January 2017 of the Swiss Federal Administrative Court (FAC) acknowledging that the Sudanese secret services keep a close watch on opposition members in the diaspora, but not on each and every opposition member.³¹⁶

The Court concludes that a forced return to Sudan would be in breach of article 2 and 3 ECHR because it cannot be ruled out that the appellant’s activities abroad have attracted the attention of the Sudanese intelligence services, who may suspect him of links with an opposition group:

“La Cour ne peut pas exclure que le requérant ait, en tant qu’individu et de par ses activités politiques en exil, attiré l’attention des services de renseignements soudanais. Elle est d’avis qu’il pourrait être suspecté d’être affilié à une organisation s’opposant au régime soudanais. Elle considère dès lors qu’il existe des motifs raisonnables de croire que le requérant risquerait d’être détenu, interrogé et torturé à son arrivée à l’aéroport de Khartoum et qu’il lui serait impossible de se relocaliser dans le pays. En conséquence, la Cour estime qu’il y a violation des articles 2

³⁰⁹ European Court of Human Rights (ECtHR), *Affaire A.A. c. France (Requête no 18039/11)*, 15/01/2015 [final 15/04/2015], par. 60, [url](#)

³¹⁰ European Court of Human Rights (ECtHR), *Affaire A.A. c. France (Requête no 18039/11)*, 15/01/2015 [final 15/04/2015], par. 62, p. 15, [url](#)

³¹¹ European Court of Human Rights (ECtHR), 07/06/2016 [final 07/09/2016], [url](#)

³¹² European Court of Human Rights (ECtHR), 07/06/2016 [final 07/09/2016], p. 16, [url](#)

³¹³ European Court of Human Rights (ECtHR), 07/06/2016 [final 07/09/2016], par. 59, [url](#)

³¹⁴ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], [url](#)

³¹⁵ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 20, 50, 53, [url](#)

³¹⁶ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 19, [url](#)

et 3 de la Convention en cas de mise à exécution de la mesure de renvoi du requérant vers le Soudan.³¹⁷

Case of N.A. v. Switzerland, 30/05/2017³¹⁸

The ECtHR examines the application of a Sudanese asylum applicant rejected by Switzerland who claims to have become a member of the JEM in Switzerland.

The Court again refers to the numerous human rights violations in Sudan, the risk of arrest upon return at KIA for political opponents³¹⁹ and the surveillance of opponents in the diaspora by the Sudanese secret services.³²⁰

According to the ECtHR, the appellant's political activities are too limited to attract notice from the Sudanese intelligence services:

“La Cour est d’avis que les activités politiques du requérant en exil, qui se limitent à celles d’un simple participant aux activités des organisations de l’opposition en exil, ne sont pas raisonnablement de nature à attirer l’attention des services de renseignements sur sa personne et considère en conséquence que le requérant n’encourt pas de risques de mauvais traitements et de torture en cas de retour au Soudan en raison de ses activités sur place.”³²¹

The ECtHR concludes that a forced return to Sudan would not give rise to a violation of articles 2 and 3 ECHR.³²²

Case of W.A. and Others v. Italy³²³

The ECtHR is currently examining the case of five Sudanese who were forcibly repatriated to Sudan from Italy in August 2016. The five, who claim to be from Darfur, are part of the group of 48 Sudanese migrants arrested at Ventimiglia and collectively repatriated. They appealed to the ECtHR on 13 February 2017,³²⁴ claiming that they had been forcibly repatriated in violation of article 3 ECHR (prohibition of torture), article 4 of the fourth protocol (prohibition of collective removal of foreigners), article 13 (right to an effective remedy) and article 14 (prohibition of discrimination).³²⁵

³¹⁷ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 58, [url](#)

³¹⁸ European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], [url](#)

³¹⁹ European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], p. 17, [url](#)

³²⁰ European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], par. 34, 46, [url](#)

³²¹ European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], par. 51, [url](#)

³²² European Court of Human Rights (ECtHR), *Affaire N.A. c. Suisse (Requête no 50364/14)*, 30/05/2017 [final 11/12/2017], [url](#)

³²³ European Court of Human Rights (ECtHR), 24/11/2017, [url](#)

³²⁴ European Court of Human Rights (ECtHR), 24/11/2017, [url](#)

³²⁵ Liberties, 08/03/2017, [url](#) ; Statewatch, 12/01/2018, [url](#)

4. The National Intelligence and Security Service (NISS)

4.1. Legal powers

The National Intelligence and Security Service (NISS) is entrusted with the internal security of Sudan and is independent, without any ministerial oversight, according to the Australian DFAT, which adds that detailed information regarding the operations of the NISS is difficult to obtain.³²⁶

Initially strictly an intelligence service,³²⁷ the NISS was made into a fully-fledged security agency when parliament extended its mandate in January 2015 to include powers usually pertaining to armed or police forces, according to Amnesty International.³²⁸ Its remit covers “political, military, economic and social threats, besides terrorism”, as noted by the British embassy in Khartoum.³²⁹

The 2010 National Security Act provides NISS agents with almost complete impunity. They are empowered to detain suspects without evidence and cannot be punished for acts involving their official duties, according to several sources.³³⁰

The Sudanese government repeatedly refuses to seriously investigate accusations of ill-treatment, torture or excessive and lethal use of force by its security services, according to the Dutch Ministry of Foreign Affairs.³³¹ NISS agents can only be prosecuted if their immunity is lifted by the head of the NISS, which almost never happens, according to the same source. The Sudanese government claims for its part that the NISS has internal legal procedures to prosecute and sanction abuse. 25 such cases were reportedly handled in 2015. A special prosecutor has been named in 2011 to monitor detentions by the NISS³³² but the monitoring of arrests and detentions by the NISS was found wanting by the UN Independent Expert on the situation of human rights in the Sudan.³³³

The NISS is also authorized to confiscate property, to carry out surveillance operations and to search premises, and it can detain suspects for up to four months and a half without charges or judicial authority. Suspects are sometimes detained for a longer time or rearrested after their release, and they have limited or no access to a lawyer.³³⁴ The NISS wire-taps private conversations without judicial authorization. According to several sources consulted by the Dutch Ministry of Foreign Affairs, the NISS has sophisticated wire-tapping equipment.³³⁵

4.2. Human rights violations

According to Freedom House, the police and security services routinely exceed their authority and resort to arbitrary arrest and detention in secret locations.³³⁶ According to the Australian DFAT, the

³²⁶ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p. 23, [url](#)

³²⁷ Amnesty International (Nyagoah P.), 19/03/2015, [url](#)

³²⁸ Amnesty International (Nyagoah P.), 19/03/2015, [url](#)

³²⁹ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 28, [url](#)

³³⁰ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 28, [url](#) ; Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 53, [url](#)

³³¹ Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 53, [url](#)

³³² Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 58, [url](#)

³³³ United States Department of State (USDOS), 13/04/2016, [url](#)

³³⁴ Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 53, [url](#) ; United States Department of State (USDOS), 03/03/2017, [url](#) ; Human Rights Watch (HRW), 12/01/2017, [url](#)

³³⁵ Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 39, [url](#)

³³⁶ Freedom House, 01/09/2017, [url](#)

NISS often denies holding individuals in its custody, or refuses to confirm where individuals are being held.³³⁷

HRW mentioned in its World Report on the human rights situation on 2016 that the NISS detained activists, students, lawyers, doctors, community leaders and those perceived to be critical of the government.³³⁸ The NISS has several detention centres in Khartoum.³³⁹

The British embassy stated that allegations of mistreatment amounting to cruel and inhuman treatment or torture by the NISS are a matter of public record. It added that arrests by the NISS are an extremely common occurrence but that it should not be assumed that everyone detained would be subjected to this sort of treatment. Much depends on factors such as the nature of the accusations and the detainee's public and international profile, age, family connections and ethnic background.³⁴⁰

The British Upper Tribunal noted in 2015 that "many of those arrested and detained were released on the same day without experiencing harm sufficient to engage the Refugee Convention."³⁴¹

The Dutch Ministry of Foreign Affairs wrote in 2017 that there are many reports on physical and psychological ill-treatment and torture of suspects in NISS detention centres in Khartoum. Detainees are reportedly subjected to beatings, rape, electric shocks, intense lighting and extremely cold temperatures, intimidation, humiliation and racist insults. Cases of death under torture have also been reported. It is during provisional detention that detainees run the highest risk of torture, which is mainly used as a means of intimidation and of extracting information and a confession.³⁴² In its Country Report 2016, the USDOS referred to so-called "ghost houses" where the NISS detains opposition and human rights figures without acknowledging they are being held.³⁴³ The USDOS considered abuses perpetrated by NISS as one of the three most significant human rights problems in Sudan.³⁴⁴

4.3. Surveillance of the diaspora

The British embassy in Khartoum reported that under the Sudanese 2014 Asylum Act, the Commissioner for Refugees has an "obligation to monitor the situation of Sudanese refugees abroad and to expressly encourage them to return to Sudan". The Office of the Commissioner for Refugees comes under the Ministry of Interior, but maintains close relations with the NISS.³⁴⁵

The British embassy also wrote that it has no independent evidence of overseas surveillance of asylum seekers by the Sudanese government, but that in October 2012 a Sudanese diplomat was expelled from Norway following allegations of spying on Sudanese refugees.³⁴⁶ In 2013, a Sudanese asylum applicant was found guilty in Norway of spying on the diaspora, according to Landinfo.³⁴⁷

³³⁷ Department of Foreign Affairs and Trade (DFAT), 27/04/2016, p.23, [url](#)

³³⁸ Human Rights Watch (HRW), 12/01/2017, [url](#)

³³⁹ Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 53, [url](#)

³⁴⁰ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 28, [url](#)

³⁴¹ Upper Tribunal, 14/04/2016, par. 192, [url](#)

³⁴² Ministerie van Buitenlandse Zaken - Nederland, 20/06/2017, p. 59, [url](#)

³⁴³ United States Department of State (USDOS), 03/03/2017, [url](#)

³⁴⁴ United States Department of State (USDOS), 03/03/2017, [url](#)

³⁴⁵ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, p. 28, [url](#)

³⁴⁶ United Kingdom Home Office, *Country Policy and Information Note. Sudan: Rejected asylum seekers. Version 3.0*, 08/2017, pp. 26, 28, [url](#)

³⁴⁷ Skogseth G.J., Sudan expert at Landinfo, e-mail, 12/01/2018

The ECtHR noted that there is no systematic surveillance by the NISS, which does not have the means to spy on every member of the diaspora. The NISS surveys specific persons, for instance those who have a political past in Sudan, are engaged in public political activities abroad or have family or personal ties with the opposition in exile.³⁴⁸

In 2013 and 2014, The Telegraph, relying on statements from Sudanese activists, wrote that the Sudanese intelligence service was infiltrating opposition circles and that the Sudanese government coordinated a network of spies in cities across the UK where the Sudanese opposition is strongly present. According to the activists, spies also work at the Sudanese embassy, where they collect information on the diaspora.³⁴⁹

The British Home Office wrote in 2016 that Sudanese intelligence conducts surveillance on politically active members of the diaspora within the UK and is likely to focus attention on those who (or are perceived to) pose most risk to the regime.³⁵⁰

In 2012 and 2014, Waging Peace collected testimonies among Sudanese from the diaspora and Sudanese who had been interrogated upon their return to Sudan about their activities in the UK. From their testimonies, Waging Peace concluded that Sudanese intelligence spies on the diaspora and closely monitors political meetings and demonstrations abroad. Information collected by the NISS may be used against returnees to Sudan. Waging Peace is also of the view that the NISS does not have the means to monitor all activists who are less actively engaged.³⁵¹

³⁴⁸ European Court of Human Rights (ECtHR), *Affaire A.I. c. Suisse (Requête no 23378/15)*, 30/05/2017 [final 30/08/2017], par. 19, 53, [url](#)

³⁴⁹ The Telegraph (McElroy D.), 09/01/2013, [url](#) ; The Telegraph (McElroy D.), 20/10/2014, [url](#)

³⁵⁰ United Kingdom Home Office, *Country Information and Guidance. Sudan: 'Sur place' activity in the UK. Version 2.0e*, 08/2016, p. 8, [url](#)

³⁵¹ Waging Peace, 09/2012, pp. 2, 14-19, [url](#) ; Human Rights Watch (HRW), 09/09/2014, pp. 4, 7-9, 29, [url](#)

Summary

In 2017, nine Sudanese voluntarily returned from Belgium to Sudan and nine were forcibly repatriated. Sudanese are also repatriated from other countries. Shortly after signing an MOU with Sudan in August 2016, Italy returned 48 Sudanese after an identification operation by the Sudanese embassy. France and the Netherlands also cooperate with the Sudanese authorities. In 2017 France repatriated a few dozen Sudanese, often from conflict zones, according to Sudan's diaspora source Radio Dabanga. In 2011, the Netherlands signed an MOU with Sudan on forced and voluntary return.

Outside Europe, the heavy-handed arrest and forced repatriation from Jordan at the end of 2015 of some 800 Sudanese asylum seekers and refugees, most of them from Darfur, drew particular attention. Thousands of Sudanese returned from Israel, mainly before 2015. According to HRW, this so-called 'voluntary' return was tantamount to *refoulement*. Hundreds of thousands of Sudanese refugees are still living in Sudan's neighbouring countries, most of them in Chad. In recent years, tens of thousands of Sudanese have returned home, under UNHCR supervision or otherwise.

The ECtHR and the UK Upper Tribunal have ruled in a number of recent cases on forced repatriation to Sudan. Both courts stated that Sudanese nationals are not at risk merely on account of their forced return or the rejection of their asylum application, but they both have ruled against repatriation in specific cases, including cases where article 2 or 3 of the European Convention on Human Rights (ECHR) would have been violated.

The British Upper Tribunal, quoted by the ECtHR, assessed the risk upon return as follows:

"[Has] the claimant established there is a real risk that he, the claimant, will come to the attention of the authorities on return in such a way as amounts to more than the routine commonplace detention and release but meets the threshold of serious harm."³⁵²

Several sources describe the procedure upon arrival at Khartoum Airport. Passengers first pass through an immigration check, followed by a security check by the intelligence service (NISS), which is strongly present at the airport.

The British and other western embassies, as well as UNHCR, IOM, Landinfo and a number of NGOs interviewed by the British-Danish mission, declared that they were not aware of Sudanese returnees having been ill-treated by the Sudanese security services. The British embassy wrote that voluntary or forced returnees, including rejected asylum applicants, do not face a risk upon return. Nevertheless, several sources pointed out that returnees may be held for interrogation. According to the British embassy in Khartoum and IOM, these interrogations do not last long unless the person concerned is a "potential person of interest". A number of non-governmental and international sources consulted by the CGRS stated however that voluntary or forced returnees, including rejected asylum applicants, are always interrogated by the NISS and, depending on their answers and on circumstances, they are free to go or detained and possibly tortured. The way a returnee is treated also depends on whether the media and civil society are informed of the return and on whether the returnee's family is informed, according to Sudanese sources.

According to IOM, holders of an emergency travel document (ETD) will be questioned more extensively or, according to a number of non-governmental sources, are at risk of being targeted, arrested and detained by the authorities. Persons without a compulsory exit visa will also attract attention upon their return to the airport and may be prosecuted, but not necessarily for political reasons, according to Landinfo.

³⁵² Upper Tribunal, 14/04/2016, p. 58, [url](#)

All sources consulted declared that there is no independent local or international agency or organization structurally and systematically monitoring forced returnees upon and after their arrival in Sudan. The British Waging Peace tries with limited means to conduct post-deportation monitoring. Lawyers and human rights organizations have very rarely access to persons detained by the NISS.

The ECtHR established a non-exhaustive list of risk profiles: non-Arab Darfuris; persons who already had problems with the security services; persons who criticized the regime in the media; persons who had contacts with the opposition abroad; persons having personal or family ties with members of the opposition or with political opponents; Darfuris who travelled abroad.

Various sources stated that Sudanese nationals from conflict zones such as Darfur, Southern Kordofan and Blue Nile are at serious risk upon return. Both the ECtHR and the UK Upper Tribunal have ruled against the repatriation of non-Arab Darfuris. A number of contacts consulted by the CGRA consider that the Fur, Massalit and Zaghawa are the ethnic groups which are most targeted. Other sources, including western embassies, the UK Home Office and IOM, stated that an ethnic profile does not pose sufficient risk and defended a more individualised approach which would also take into account the political profile.

All governmental and non-governmental sources agreed that Sudanese opponents risk persecution upon return if they were politically active abroad, as the Sudanese diaspora is being monitored by Sudanese intelligence. The British Upper Tribunal considered that not all political opponents are persecuted, only those whose political activity is fairly high-level.

According to some non-governmental sources, the mere fact of applying for asylum is enough to create a "political profile".

Finally, other sources, including a Sudanese professor, ICG and HRW, were of the view that ethnic and political profiles are often intertwined and that it is the combination of a person's ethnic background and his political activities that create a risk.

Human rights organizations and the media documented several cases where repatriated Sudanese have encountered problems with the authorities. Amnesty International interviewed a number of Sudanese repatriated from Jordan, mainly Darfuris, who were ethnically profiled upon their return and subjected to harsh and degrading treatment. Other sources mentioned the arrest, detention, ill-treatment and torture, and even the murder, of Sudanese who returned from Israel, and emphasized the existence of a heightened risk for returnees from Israel. HRW considered that a stay in Israel creates a situation of *sur place* refugee.

A number of testimonies from Sudanese repatriated from EU countries, including Italy, France and the UK, mentioned arrest, detention, ill-treatment and, in some cases, torture. Waging Peace reported the ill-treatment of a number of Sudanese repatriated from the UK and stressed that not only Darfuris are at risk but also members of other ethnic groups. The British Home Office noted that most of these testimonies were given by Sudanese from conflict areas or by politically active Sudanese.

Non-governmental sources reported some cases of returnees who entered Sudan without problems but were killed later on.

The NISS, whose remit covers political, military, economic and social threats, has virtually unlimited immunity. Various governmental and non-governmental sources accuse the NISS of ill-treatment, torture and other human rights violations. According to various sources, the NISS also shadows the diaspora, although it does not have the means to monitor everyone.

Annexes

Amnesty International, *Sudanese refugees deported from Jordan, s.d.*

Amnesty International

Cases documented of Sudanese refugees deported from Jordan to Sudan Shared in confidence with OHCHR on 1 February 2016

NAME: [REDACTED] D.O.B: [REDACTED] Registered with UNHCR – file no available upon request

GENDER: MALE

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

What happened in Jordan?

After our arrival in Jordan, we applied for asylum, UNHCR just gave us a paper [yellow card] then they told us we should depend on ourselves. Then we realized there is widespread communal hatred for the Sudanese refugees, some of us were beaten and insulted in workplaces and residential areas. When we complained to UNHCR, they told us this the reality in the country, and we have to accept it. The main reason for such hatred is that the Sudanese are used as cheap labour, for example one Jordanian would be paid about 500 JOD per month, and could be replaced by two Sudanese for the same amount of money a month. So when there are many Sudanese in the labour market, this increased the hatred and led to attacks in our houses and streets. We told UNHCR about our predicament.

Last year, we had organised at least three sit-ins at the UNHCR offices in Amman, and we requested from them protection, provision of financial support (health and education) and accommodation. As yellow card holders we are not allowed to [formally work] in Jordan. UNHCR told us we should come back after one month. After one month, UNHCR told us that they were unable to act upon our requests. Then we organised another sit-in, they also told us we have to wait another month. In mid-November, we decided to organise another sit-in in front of the UNHCR offices. The first day the police requested us to leave the premises, however they did not use force. After three days they gave up and they [Jordanian authority] thought the bad weather will force us to abandon the sit-ins, but we were determined. During that period, we were deprived [by the Jordanian authority, police] from using the outdoor bathrooms at the UNHCR offices, they told us that it was out of order. They [the Jordanian authority, police] also refused that women and children used their shelter inside the UNHCR offices when it rained.

Some journalists came and took photos and statements from us and after they went inside the UNHCR offices; they never got back to us. The Jordanian tabloids started to spread false rumours about us. For example, they said that we received financial assistance but we did not want to disband the sit-ins. Although this is not true. Even the little support that we received from Sudanese and other people in Jordan were withheld from us [by the police]. The police constantly threatened us. One day before they attacked our gathering, the Jordanian authorities told us that they would provide us with accommodation. During all this period, UNHCR did nothing. Also, there are some Sudanese working for the Sudan embassy who took part in the sit-ins, they talked to journalists and spread false information about our demands.

One day before the attack some people who claimed to be part of the population census in Jordan also asked us to give our details [names, D.O.B, place of origin in Sudan, date of arrival in Jordan, etc.], We refused their request and told them that all our details are with UNHCR. Then around 4 pm on 16 December, the police surrounded our place and told us get out of our tents and carry your bags, those who refused were dragged, beaten and handcuffed and taken to nearby buses. Then they took us to a

place near the airport designated for Air freight. [They spent the whole day of 16 December at that location], with the help of Sudan Embassy staff, we were separated into two groups, those with valid Sudanese passport and those without a passport in preparation for deportation. Those who refused to comply were beaten. They beat us in front of the Sudan ambassador who was laughing at us. In the evening, they put us in buses to board the planes, after few hours they came to us and told us that we would not be deported [on 17 December: 3 am] and that the deportation decision was cancelled. We were taken to a big warehouse store at an industrial area named Al Gustul near the airport. In there the police told us that they managed to find accommodation for us, with the help from the Australian government. They gave us water, food, mattresses and blankets. During the night [17 December], we realised that some Sudan embassy staff were in the building, we started to protest, the police shut the door of the warehouse, and used teargas, and many people were affected by the teargas in such place with limited air. We started to barricade the store using blankets and mattresses, we took photos and video clips and sent it to the outside world. Around 4 am, the police managed to enter the store and they started to beat us women, children – everybody was beaten. I was forced to leave that place in a bus around 10 am, we were taken to the air freight area again. We remained inside the buses, while, we were waiting our telephone went flat, we could not make phone calls, they also took from us all the smartphones. At the airport, they confiscated from us all our valuables; money, telephones, etc. As I have no passport, I was issued with an emergency travel documents by the embassy. We were forced to board a plane and deported to Khartoum that afternoon [18 December 2015].

What happened after you arrived in Sudan?

[In Khartoum they were officially received by the head of the immigration police, the SG deputy of the Sudanese Working Abroad, and National Intelligence and Security Service (NISS) agents and some journalists from Sudan TV and newspapers.]

I was interrogated at the airport by the NISS agents: they took my personal details such as name, contacts and address in Khartoum and the reason for leaving Sudan. I was allowed to leave the airport. I was arrested the next day by the NISS and was in the detention centre for 22 days. I was tortured [beating, threats] with another man named Mohamed. They were interested to know why I spoke to Al Jazeera TV while in Jordan. I realized during the interrogation that they know many things about me as if they had access to my UNHCR file. On 10 January, I was released from the NISS detention, I have no idea about the exact location of the NISS office. After that I borrowed about 2,000 SDG from someone I know and I travelled to Port Sudan, from there I managed to find smugglers, paid them 350 SDG, they took me to the Egyptian border town of Shalatein in Halayeb region.

What happened after you arrived in Egypt?

In Shalatein I have paid smugglers 400 Egyptian pound and travelled to Aswan. From there I took a train to Cairo. After my arrival I went to the UNHCR office, they just gave me an appointment date. They did not acknowledge my status in Jordan. I also went to St Andrew organisation for some financial support they told me I have to register first with UNHCR. I'm still here waiting for my situation to be resolved.

NAME: [REDACTED]; D.O.B: [REDACTED]; Registered with UNHCR – file no available upon request

GENDER: MALE

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

What happen after you arrived in Sudan?

After our deportation to Sudan, we arrived at Khartoum airport. The general appearance, at first, seemed welcoming when we entered the arrival hall. We were divided into two groups, women and children, and men in another group. They took us to detention centres, in the airport they noted our personal details, they beat us, threatened us and asked why we claimed asylum. I stayed there for four days, I have no idea where we were, we were blindfolded and handcuffed, we were about 15-20 people. I think the area was in Khartoum North, but I do not know exactly where. However, I, and others, managed to escape from the detention centre. Some of us went to Chad, others went to Libya and Ghana and others to Egypt.

After I had escaped from the NISS detention centre, I stayed for a few weeks in Khartoum, then I went to Port Sudan, there I found other Sudanese who had been deported from Sudan. We contacted smugglers. They told us to say at checkpoints that we are workers at the Gold mines in North Sudan. At various checkpoints, the Sudanese police searched us, we gave them false names. I never used my real name in Sudan.

What happened after you arrived in Egypt?

In Shalatein, I found some Egyptian smugglers: they took me to Aswan, they dropped me near a passengers train station next to Aswan [Adco]. I was advised by the smugglers not to buy my ticket from the station office because they request ID, but from the train's conductor and I paid extra fees. Immediately after my arrival in Cairo I went to the UNHCR office, there I only find the security guards, they gave me a paper stating an appointment date. There I met some of my friends from Jordan, we went to IOM office, they also told us to register with UNHCR first. We also contacted the Red Cross office, and they told us the only help they can provide for us is to contact our family in Sudan. All my family are in IDP camps and refugees camps I have not seen them since 2004, it is very difficult to contact them. I also lost contact with my three-month pregnant wife – she was deported with me from Jordan to Sudan. I have not heard from her since then and she is still in Sudan.

Our situation in Egypt is very dangerous, as we entered illegally to Egypt, any time that we go to the shops or market we could be arrested by the police, as we have no ID. We have no financial means at the moment to support ourselves and we have only received support from other Darfuri refugees in Egypt.

NAME: [REDACTED] **D.O.B:** [REDACTED]; Registered with UNHCR – file no available upon request

GENDER: MALE

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

What happened after you arrived in Sudan?

At the airport, we were interrogated by the NISS, they asked me about my tribe, I told them that I am from Meliet in North Darfur and belong to Zaghawa ethnic group. Then one of the NISS agents said 'these are the trouble makers.' They asked me why I went to Jordan. I was arrested, handcuffed and blindfolded they took me to a location, I have no idea exactly where. I was beaten and tortured for a whole week. Every morning they beat us. During the interrogation they wanted to know why I went to Jordan, I told them that I went there just for work.

After my release, I went to Omdurman, Salha area, accidentally I met someone I know from Darfur, he took me to his house I stayed with him. I went to a nearby health centre for medical treatment from the torture effects. During this period I was so paranoid I felt that I was under surveillance. I told my friend that I will not be able to stay in Sudan like this. I have no passport; the NISS confiscated it at the airport. But I wanted to travel to Egypt, he told me about the smugglers route through Port Sudan. I had no money I was utterly destitute. So, I borrowed from my friend 1,000 SDG. He bought me a bus ticket to Port Sudan. In Port Sudan, I asked about the Gold Mining work, I found someone who told me that a ticket from Port Sudan to Shalatein will cost 350 SDG. He told me that at checkpoints just say you are going to the Gold Mining work.

What happened after you arrived in Egypt?

We arrived in Shalatein, from there I paid Egyptian smugglers about 150 Egyptian Pound to take me to Aswan. The trip from Aswan to Cairo took 14 hours; I arrived in the morning in Cairo, I do not know anyone there. I went to the UNHCR office; they gave me an appointment card for 12 April 2016. After that, I met some Sudanese, who let me stay with them temporarily.

Today, I was walking with some Darfuri colleagues in Cairo the police stopped us and asked about our papers, I gave them my UNHCR appointment card. They told me this was not acceptable. However, they let us go. I feel we have no protection here. We can be arrested and deported back to Sudan at any time.

NAME: [REDACTED] **D.O.B:** [REDACTED]; Registered with UNHCR – file no available upon request

GENDER: MALE

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

What happened after you arrived in Sudan?

The embassy of Sudan in Jordan was very hostile to us; they told the Jordanian authorities that we are not even Sudanese, that we support the Sudan Revolutionary Front (SRF), or ISIS. That in Sudan they do not have people who 'look like us' and claim asylum. That Sudan has 'no problems or wars'. Accordingly, the Jordanian government deported us. At Khartoum Airport, we were welcomed by government officials in front of the media and TV cameras, but that was for a show. In the interrogation room inside the airport, they showed a different face. The NISS agents took my fingerprints, asked about my full name, my address, my brothers and family. I gave them my details and they knew my tribe [Zaghawa]. They asked me to step aside; they called me a 'mercenary' who belongs to 'the rebel groups', that I 'defame Sudan reputations'. There were other Sudanese with us from a different part of Sudan, so they divided us, they said those from Darfur stepped to this side. There was a group from White Nile state separated from us and one NISS agent pointed them and commented that these were the real Sudanese. We were beaten and humiliated by a group from Darfur. I managed to get out of the airport. I went to our house in Omdurman, Umbadda. I felt unsafe there as some people started to ask about me, I think they were NISS agents. Also, my passport at the airport was stamped that I was not allowed to leave Sudan for five years. Other people had a similar stamp in their passports. If I remained in Sudan, I would be harassed and tortured that why I decided to leave the country. I left Khartoum to Port Sudan and from there I travelled to enter Shalatein. I used different names at the checkpoints inside Sudan. I arrived in Cairo through the same route described by otherfriends.

NAME: [REDACTED]

GENDER: [REDACTED]

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

What happened in Jordan?

Around 7 pm on Thursday 17 December 2015, I was walking with my mother, two sisters and my 22-year-old brother, in downtown Amman towards Al Bashir Hospital. We were stopped by the police; they asked us if we were Sudanese, they told us that we will be arrested because there was a Royal decree to deport all Sudanese nationals from Jordan. I showed them my UNHCR paper as I was registered with them as an asylum seeker. The police dropped my paper on the ground, and he told me he will not recognise such paper as they had Royal decree to deport us. They put us in a car and took us to Gustel area to a warehouse. There was fight between the refugees and the police, the police threw teargas inside the warehouse, and many people found it difficult to breathe or suffered from chest pain. My brother suffers from a long-term learning disability. However, we were separated from my sister and mother. They started to hit my brother – I screamed at them that he was not well. During that time they beat all the young men in the warehouse, they kicked them and they also used electric shock [using Taser]. They treated us with complete humiliation. From Thursday until we arrived in Khartoum on Saturday we had very little to eat or drink. My mother also suffers from blood pressure; her left hand was paralyzed.

In the airport, I told them I wanted to see my mother, because we were separated, and that my father and my younger brother were still in Amman and they had no idea what happened to us. I insisted on knowing what happened to them, despite that they forced me with my brother into the plane. Inside the departure hall they beat the young men with us, I threw myself on top of these young men. I told the police you can beat me as well, and then they stopped as they considered it shameful to beat a woman.

At the departure hall in Amman, I asked a police officer, "What is our crime, why do you treat us like criminals," the officer told me "this is just a diplomatic relationship, and you are good people, but this is state policy, and it is not in our hands."

At the airport, I saw many young men arrested and beaten. They really treated us cruelly; I told them if you want to kill us just kill us. My mother was so sick at the time. One of our relatives came to the airport, he spoke to the security agents and pleaded with them to let us leave, and said he will guarantee that we will remain in the country.

What happened in Sudan?

After three hours we arrived at Khartoum airport. There we found some VIP people waiting for us, we entered the arrival terminal, we were greeted by TV cameras, they gave us water and sweets, etc. After entering the arrival terminal, the NISS agents started to interrogate us, at the beginning they showed us one face, and then they revealed their real face inside the NISS offices at the airport. There were three or four people in that office. They asked me about my tribe; I was startled as I thought these were not normal airport procedures. I refused to state my tribe; I told them I stayed in Jordan for two years no one asked me about my tribe. I told them only in Sudan we make an issue out of tribal identity. However, they insisted on knowing my tribe; they even cited verses from the Quran, 'we have

made you nations and tribes that ye may know one another.' Another man told me, please tell them your tribe otherwise they will not let you go. After a long argument, I told them that I was from Baggara tribe. Then they asked me why I went Jordan, whether I belonged to a political party, they repeated these questions one hundred times. They also photographed my face [for a mugshot] and took my fingerprints. I asked them what the crime we have committed was. One of them said to me 'you should shut up you have embarrassed us outside the country,' 'we will teach lessons and make you powerless.' We stayed at the airport until my family arrived, they also interrogated them. I hid my UNHCR ID inside my shoe. They brought some female officers who thoroughly searched my body they slapped me in my face, insulted me, using abusive language and touched my private parts and shouted 'get the paper out,' but they failed to find it.

We arrived at Khartoum airport around 3 am and then we left the airport around 5 pm. Our relative took us to his house in Al Kalakla area in Khartoum; it was one bedroom house. After a few days, he came to us and told us that we should leave the country as the situation could be dangerous for us. As we have no money my mother sold her wedding ring, we managed to get some money to help us travel. He arranged for us [my mother, two sisters and brother] to leave to Port Sudan then also through smugglers we entered Shalatein, then to Aswan. We arrived in Cairo; now we stayed with some people in a very crowded two bedrooms apartment.

NAME: [REDACTED]

GENDER: FEMALE

DATE OF DEPORTATION FROM JORDAN: [REDACTED]

DATE OF ARRIVAL IN EGYPT: [REDACTED]

In Jordan, I was arrested at Al Bashir Hospital in Amman. In Khartoum, the NISS agents told us that we scandalized the country in the outside world, they handcuffed me they asked me about my tribe. I told them I am from western Darfur El Ginana, I have no people in Khartoum. They put us in a place for few days; I have no idea where. Then I decided to leave Sudan; I entered Egypt through Wadi Halfa. I am sick, I have a problem in my head, I am sick, now I'm staying at S.A.N [a Darfuri refugees] house.

/ends

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The CGRS contacted or tried to contact the following sources without result: the embassies in Khartoum of Sweden, Spain, France, the United Kingdom, the Netherlands, Italy, Switzerland, Norway; the Delegation of the European Union in Sudan; OCHA Khartoum; UNDP Khartoum; UN Independent Expert on the situation of human rights in the Sudan.