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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Sudan - Researched and compiled by the Refugee Documentation Centre of Ireland on 4 June 2010

Treatment of failed asylum seekers returned to Sudan.

An April 2010 *Human Rights Watch* report notes:

"New York) - The Egyptian authorities should immediately cease deportation proceedings against two refugees from Darfur, Human Rights Watch said today.

Egyptian authorities are preparing to deport Mohammad Adam Abdallah and Ishaq Fadl Ahmad Dafa Allah back to Sudan, where they would face persecution. Both men have been granted formal refugee status by the United Nations refugee agency, which should protect them from deportation. Security officials moved Abdallah from the Khalifa police station to Aswan on April 4, 2010, in preparation for his deportation to Sudan on April 12. On April 7, security officials moved Dafa Allah to Khalifa police station, which is used as a deportation center. The Sudanese embassy issued travel documents for the two in early April, and a Sudanese embassy official informed Dafa Allah that the Egyptians intended to deport him back to Sudan.

"By definition, a refugee is someone who has a well-founded fear of persecution," said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. "To send that person back to a place where his life or freedom would be threatened is illegal and inhumane." (Human Rights Watch (9 April 2010) *Egypt: Don't Deport Darfur Refugees to Face Persecution*)

A November 2009 article in the Israeli newspaper *Haaretz*, states:

"The Supreme Court is currently discussing a case that concerns Israel's practice of immediately returning asylum seekers who cross from Egypt into Israel back across the border.

It appears that in so doing, Israel may be violating international law, according to a position paper submitted to the court by the United Nations High Commission on Refugees.

The lawsuit in question was originally filed in 2007 by several human rights organizations represented by the Hotline for Migrant Workers and the refugee rights project of Tel Aviv University. The immediate or "hot return" policy, as it is called, allows Israel Defense Force soldiers to return infiltrators to a neighboring country if 24 hours have not elapsed since their entry, and as long as they have not gone further than 50 kilometers from the Israeli border." (Haaretz (30 November 2009) *Israel's 'hot return' of Sudan refugees prompts UN concern*)

The same report under the heading 'Jail in Egypt', continues:

"The UN position paper also mentions numerous reports of refugees or asylum seekers who will be in grave danger if they are forcibly returned to their native lands, whether directly or indirectly: If the person in question risks persecution or other dangers if he goes back to his homeland - this is a violation of international law.

There are also reports of live ammunition being used against people trying to cross the border, sometimes with fatal consequences." (Ibid)

A March 2009 article from *The Telegraph* on the alleged murder of an asylum seeker returned to Darfur states:

"In August he was flown to Khartoum under the Home Office's assisted voluntary return programme, in which refugees are paid to go back to their country of origin. He stayed in Khartoum for a few months and then, when he believed it was safe, he travelled to Darfur to be reunited with his family. Mr Mohammed's cousin, Mohamed Elzaki Obubeker, who is chairman of the Darfur Union in the UK, said: 'The government security forces had followed him to another village, Calgoo, where his wife and child had sought help. They came to the village to find him and then targeted him. They shot him in front of his wife and son.'" (The Telegraph(UK) (17 March 2009) *Failed asylum seeker murdered after returning to Darfur*)

See also a March 2009 article from *The Independent* which states:

"A failed asylum-seeker who returned to Darfur under a government repatriation scheme has been murdered by Sudanese security officers after they followed him home from the airport in Khartoum, The Independent has learnt. Adam Osman Mohammed, 32, was gunned down in his home in front of his wife and four-year-old son just days after arriving in his village in south Darfur. The case is to be used by asylum campaigners to counter Home Office attempts to lift the ban on the removal and deportation to Sudan of failed asylum-seekers. Next month, government lawyers are expected to go to court to argue that it is safe to return as many as 3,000 people to Khartoum." (The Independent (17 March 2009) *Sent back by Britain. Executed in Darfur*)

Section 2d of the 2008 *United States Department of State Country Report on Human Rights Practices for Sudan*, under the heading 'Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons', states:

"The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self imposed exile throughout northern Africa and Europe during the year." (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *Sudan: 2008 Country Reports on Human Rights Practices*)

An August 2008 *Amnesty International* alert states:

“Darfuri asylum-seeker Shams El Deen Adam Mohamed was arrested on 16 or 17 July, and his whereabouts have been unknown since then. He is believed to be held incommunicado at a National Intelligence and Security Services (NISS) detention centre, where he is likely to be tortured or even killed.” (Amnesty International (27 August 2008) *UA 235/08 Fear of torture or other ill-treatment* AI Index: AFR 54/037/2008)

This alert also states:

“On 16 or 17 July, he was arrested at his brother’s shop in one of the main market areas in central Khartoum, the Souk al Arabi. Three men in plain clothes, believed to be NISS agents, came into the shop, asked for Shams el Deen and asked him to go with them to their office for a brief interrogation, after which he would be free to leave. He has not been seen since.” (Ibid)

A February 2008 *Reuters* news article refers to the repatriation of Sudanese refugees as follows:

“JUBA, Sudan, Feb 12 (Reuters) - The U.N. on Tuesday appealed for \$63 million to help repatriate 80,000 south Sudanese refugees years after they fled to neighbouring countries to escape Africa's longest civil war.

The U.N.'s refugee agency the UNHCR said it needed the cash for a programme that has already returned more than 2 million people since Sudan's north-south conflict ended in 2005.

The appeal came as campaign group Refugees International called on south Sudan's government to switch millions of dollars of funding towards helping the returnees, many of whom were coming back from exile to find a total lack of basic services.

The UNHCR said people were determined to return home, despite the problems with the local economy and the region's weak education and health services.

"People are going back with or without our help. They're tired of being refugees," said UNHCR Spokeswoman Fatoumata Kaba.

She added the agency was tripling the budget for "reintegration projects" to help returnees settle back in.” (Reuters (12 February 2008) *UN calls for \$63 mln for South Sudan refugees*)

An *Aegis Trust* document on the treatment of failed asylum seekers returned to Sudan, in a section titled “Fresh evidence of torture in Khartoum”, refers to information provided by a Sudanese defector, noting:

“The defector told Aegis that the life of any African from Darfur who is removed from Europe to Khartoum is at risk, stating that when such Darfuris arrive at Khartoum airport, a long investigation is made into how they got to Europe and why they went there. The defector said that they could expect to face lengthy interrogation, that they may be detained indefinitely, and that they are in certain danger of their lives. We were able to satisfy ourselves independently that this individual was competent to speak on the issue.”

(Aegis Trust (3 October 2007) *Lives we throw away – Darfuri survivors tortured in Khartoum following removal from the UK*, p.4)

A section of this document headed “Sadiq Adam Osman” (section 2) quotes this returnee as saying:

“After we arrived at Khartoum airport, they handed me over to Sudanese security officials, and then left. One asked me, ‘Tell me your date of birth and the name of your village.’ I refused. He said, ‘Why?’ I said, ‘I am not from Sudan.’ I refused to give my details; so they hit me. Then they called in another police officer near the airport, who came and took me and beat me for a long time. But I still did not give them any details.” (Ibid, pp.8-9)

This section also says:

“The beating and questions went on for days. They just beat me everywhere. I was blindfolded most of the time, so I couldn’t see what they were using to beat me. Once when the blindfold was off though, I saw a piece of electric cable. My whole body was numb so I couldn’t feel anything any more. I was bleeding everywhere, I was completely soaked in blood. They never let me use a toilet. The room was covered with my faeces and urine. At times, I lost consciousness. I was expecting to die.” (Ibid, p.9)

In a section titled “Notes From Interviews Following Escape From Khartoum” this document quotes a returnee named Mohammed Hussein Degues Baraker as saying:

“At Khartoum airport, the two British officials were still with me. They hand me over to the Sudanese officials. As soon as the British left, the Sudanese officials started to beat me up and said, ‘We know you! We’ve got information here about your background’, And they continued beating me up. At first, they beat me up with their hands, hit me in the head and slapped me around, and then a few moments later, I was transferred to a room where they tied my hands and feet, blindfolded me, questioned me and beat me with sticks. They did many things there.” (Ibid, p.11)

In a section titled “AA” an unidentified returnee is quoted as saying:

“They took me to Koba prison in Khartoum. I stayed there one month. I was treated very badly. All the people coming from abroad, they hold them separately in Koba in isolation rooms. I couldn’t see the prisoners all the time, but could see them sometimes. They beat me. Sometimes they hung me up. They tied my legs and hung me up upside down. They would leave me like that sometimes six or seven hours, sometimes all day. Sometimes they handcuffed me until the next day. They wanted me to talk to them, to tell them what happened to me actually in England, and what I said to the immigration people and why. They beat me with sticks and sometimes they used a special stick. They burned me with cigarettes on my legs, and sometimes on my hands. I have the scars from this.” (Ibid, p.13)

An article from *The Guardian* on failed asylum seekers returned to Khartoum from Britain states:

"Campaigners say torture in Khartoum is anything but remote, and there are concerns that Darfuris detained in a new round-up in recent days could face the same fate. John Bercow, a Tory MP, who raised the Darfuri torture issue in the House of Commons this week, said the Home Office was playing with fire. 'Sadiq's case is not isolated - I think there is a wider picture ' Mr Bercow said. 'There have been many cases of people who have been instructed to return to Khartoum who have been intimidated, threatened and tortured having done so. It's an extremely risky business for Britain to send people back.'" (The Guardian (UK) (29 March 2007) '*I was expecting to die*')"

An article published by *The Independent* quotes the executive director of the Aegis Trust as follows:

"Dr James Smith, executive director of the Aegis Trust, said: "The sending back of Darfuris to Sudan is dangerous, misguided and morally reprehensible. The Aegis Trust has documented cases of torture, unlawful imprisonment and disappearances for those that are forcibly returned to Sudan. 'Alhour is at particular risk, as he is a member of a prominent Darfuri family and has been involved with the rebel movement. With Khartoum International Airport the only legal entry route, the British Government is effectively handing him over to the infamous Sudanese National Security and Intelligence Service for questioning and in all likelihood much worse treatment. We will be lucky if we ever hear from him again.'"(The Independent (20 January 2007) *Returned Darfuri asylum-seekers face torture and death in Khartoum*)

Paragraph 8 of a *United Nations High Commissioner for Refugees (UNHCR)* position paper on Sudan states:

"The fact that internally displaced persons are receiving international assistance in Darfur and in Khartoum should not give rise to the conclusion that it is safe or reasonable for the claimants to return to parts of Sudan. Internally displaced persons in Darfur continue to face serious threats to their physical safety and personal security. In UNHCR's assessment, the threats are so widespread that it cannot be said there is an internal flight alternative anywhere in Sudan for asylum-seekers from Darfur, including for those who resided in Khartoum before the Darfur crisis. Sudanese of 'non-Arab' Darfurian background returning to Sudan face a heightened risk of scrutiny by the security apparatus." (UNHCR (10 February 2006) *UNHCR's Position on Sudanese Asylum-Seekers from Darfur*, p.3)

Paragraph 42.2 of Part 2 of the 2005 *Government of Southern Sudan Interim National Constitution of the Republic of Sudan*, under the heading 'Freedom of Movement and Residence', states:

"Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return." (Government of Southern Sudan (06 July 2005) *The Interim National Constitution of the Republic of the Sudan*)

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

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