



Africa Centre for Justice and Peace
Studies

**Report on Illegal Immigration and the
Violations Related to the Rights of Asylum
Seekers in Sudan**

June – December 2017

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INTRODUCTION

Before and after the secession of South Sudan in July 2011, Sudan was and still is one of the destinations for illegal immigrants and a crossing point for asylum seekers. Sudan's common borders with Chad, Central African Republic, Congo, Uganda, Eritrea, Ethiopia, Egypt and Libya are used as crossing gates for citizens of numerous countries heading to their final destinations in Europe. 10% of those emigrants settle in Sudan, whereas 90% use it as a crossing point.¹

Previous political tensions in Ethiopia and current political tensions in Eritrea made Eastern Sudan an area with a significant movement of Eritrean refugees throughout the past 41 years. There were more than 200,000 Eritrean refugees in this area, with 4 refugee camps and 4 refugee reception centres, 3 of which are in the State of Kasala and 1 in the State of Gadarif.

Refugees in these camps especially Eritreans face violations such as excessive violence by the Sudanese police and violations by gangs of human trafficking who break into the camps and take refugees.

Illegal immigration and movement of human trafficking gangs in Eastern Sudan was rampant between 2007 and 2014. They used a quiet desert path to Egypt and Israel. There were numerous spots in Sinai desert where ransoms were enforced on immigrants trafficked by gangs. However, the political changes in Egypt in 2014 resulted in part, in the crackdown on activities of human trafficking in Sinai. The Human trafficking gangs then shifted their human trafficking routes to Northern Sudan desert path towards the Libyan borders then eventually to Europe.

Human trafficking routes towards the Libyan borders changed after smugglers faced difficulties in Eastern Sudan. Illegal immigration started to take other routes via Kampala in Uganda, Juba in South Sudan, Khartoum in Sudan and Libya via Egypt or other borders. Auto trade route between Libya and Sudan via Darfur became another route for illegal immigrants to get to Libya.

This report covers the period of June to December 2017 focusing on asylum seekers and illegal Eritrean refugees.

¹ It has been reported by *Aljazeera* newspaper on 29 March 2016 that Sudan is 4th in the list of countries where Refugees come from, article by S. T. Al Sir, 29 March 2016.

METHODOLOGY

The method of the research is based on field monitoring of the violations of the human rights of asylum seekers and illegal immigrants who crossed into the Sudan from the neighbouring countries via the Eastern Sudanese borders to the Red Sea, Kasala and Al-Gadarif states which will be referred to in this report as the Eastern Sudan region. The violations addressed in this report are those that contravene the Sudanese law, the Refugees Rights Agreement, the Universal Declaration of Human Rights as well as other national, regional and international agreements and conventions related to the human rights and rights of refugees. This report also discusses who exactly commits these violations, in particular, whether these violations are committed by human trafficking gangs or by the Sudanese authorities.

This report includes monitoring unfair trials of asylum seekers in Sudanese courts of law and interviews with survivors of these violations, legal activists and civil society activists. The report draws also on official documents issued by official bodies such as criminal courts as well as documents issued by organizations and UN agencies. The information published about these violations have also been monitored, many of which have been published in Sudanese papers, electronic newspapers and websites.

It should be noted that all the interviews and related photos in this report were conducted voluntarily with consent of all the parties involved after researchers of the African Centre for Justice and Peace Studies (ACJPS) explained the intended purpose.

Reasons for Eritreans taking refuge in Sudan

There are many reasons for illegal immigration from the States in the Horn of Africa, these include the economic reasons, the search for a better opportunity as well as political oppression as is currently the case in Eritrea. Compulsory indefinite conscription for males who are 18-40 years of age in Eritrea is another reason for emigration from the country as refusal of reporting to the conscription centres carries a cruel and degrading punishment. ACJPS researchers reported many such cases and interviewed a number of survivors of the compulsory conscription. One of those interviewed is 29-year-old Snite (not her real name), who received a draft notice from the Eritrean authorities asking her to report to a conscription centre. Snite fled her hometown, Ganaa in June 2017 to Tasanai in the Sudanese-Eritrean borders. She managed to get to the Sudanese-Eritrean borders on 6 July 2017 after paying a charge of \$7000 in Allaffa area, 25 km from Kasala in Sudan with two other Eritrean girls. They were taken from there to a police station in Kasala where she found 32 Eritreans arrested for similar cases. On 4 October 2017, she was released and transferred to a refugee reception centre in Wad Sharifi and later transferred together with 57 Eritrean refugees to Alshagarab Refugees Camp. Due to lack of quality food in this camp, Snite decided to slip into Khartoum for a fee of \$200. She and 4 others (2 male and 2 female) managed to sneak into Khartoum and were joined on their way by 18 other refugees. The total number of the group who managed to sneak into Khartoum reached 30. All were transported into Khartoum by human traffickers.

Confusion between asylum and illegal immigration

There is an interlocking crisis in the case of Eritrean refugees, as a refugee becomes an illegal immigrant² due to the complicated circumstances in Eritrea which topped the 2016 list of the countries where refugees come from. This situation became worse due to the increasingly widening area of human trafficking and smuggling in Eastern Sudan.

Deterioration of the security situation in the refugee camps (e.g Al Shajarab Camp):

Refugee camps in Eastern Sudan saw deterioration in the security situation between 2012 to 2015 especially in Al Shajarab Camp which is the biggest. This camp houses 37,000 refugees 70% of whom are Eritreans with ages ranging between 18 and 50 years. This camp receives 200-300 unaccompanied children every year. International aid by the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) are provided only for new refugees with 60 SDG appropriated for each refugee for three months. There are 5 elementary schools in the camp but there is no secondary school run by the camp administration. The number of the refugees who arrive in the camp ranges between 1,300 and 1,600 every month.

The food aid appropriated for the camp is further strained by the interference of the National Intelligence and Security Services (NISS). NISS blocked a shipment of flour sent to the camp in November 2017 on the pretext that those who are housed in the camp are refugees who should be supported by the United Nations agencies. As a result, the camp inhabitants suffered severe shortage of food. The number of refugees in Wad Sharifi Refugee Camp is approximately 30,000 most of whom are Eritreans. The camp is located about 20 km East of Kasala by the Eritrean borders. Sources reported that the cases of tuberculosis recently increased among refugees in the camp.

The reasons above have partly contributed to refugees fleeing the camp or moving from the camps into cities to settle or to plan movement to another country.

Economy of illegal immigration and human trafficking

As pointed out in the introduction, this report focuses mainly on Eritreans who enter the Sudan via 37 border crossings with limited or no monitoring. The estimated number of Eritreans who enter the Sudan every month via these border crossings is about 2,500. Other UNHCR statistics put the number of Eritrean refugees in camps in Eastern Sudan (those fleeing compulsory conscription back home or looking for better opportunities elsewhere) to 2,000 monthly. According to the UNHCR, many of those refugees are smuggled into Khartoum, the Middle East or Europe.

Refugees (some of whom become illegal immigrants) enter the Sudan via two routes, one of which crosses the Ethiopian borders and is considered safer compared to the other routes. The ultimate goal of all of those refugees is to reach Europe and countries of the Middle East. Juba in South Sudan has been one of the significant area for a stopover during the period 2005 -2013. Some travel from Juba to Dubai then to other stopovers while some head to Ethiopia then to East African countries (Kenya and Uganda) with regional UNCHR offices where refugees can apply for resettlement in other countries. The majority of those who

² The 1951 Convention (and 1967 Protocol) Relating to the Status of Refugees.

completed conscription (18-40 years) chose the route via Ethiopia. The second route starts from Eritrea via the open border crossings to Eastern Sudan (Gadarif, Kasala and Red Sea States) where there are 4 refugee camps with Al Shajarah being the biggest located near the borders area between Sudan, Ethiopia and Eritrea. The crossing of refugees from Eritrea into Sudan is facilitated by the Eritrean Borders Guard in coordination with human traffickers in at the Sudan boarder.

22 refugees cross the borders with the help of the Eritrean Borders Guards weekly using two 4X4 Toyota Land Cruiser vehicles.

- The cost for crossing via the borders into Sudan (Eastern Sudan) near reception centres is \$6000-\$10000 per person.
- Human traffickers who come from Eritrea, Sudan or Egypt then take trafficked individuals from the camps or reception centres to the capital Khartoum for a fee of \$2000.
- The same human trafficking gangs transport individuals to Libya via the Sudanese borders for a fee of \$2000.
- Trafficking individuals from Libya to Europe via the Mediterranean costs \$2000
- In the case of a trafficked person taken by another human trafficking gang, s/he would pay another ransom between \$2500-4000.
- The same gangs traffic immigrants into Libya via the Sudanese borders for a fee of \$2000 per person.
- The fee for trafficking people via the Mediterranean is \$2000 per person.
- When trafficked individuals fall in the trap of other trafficking gangs, they are usually forced to pay a ransom of \$2,500-4000.
- The minimum total cost of trafficking an individual from Eritrea to Europe is approximately \$14,500 but might in some cases reach \$20,000 for one person. The maximum weekly total cost for a group ranges between \$319,000 and \$440,000. In an interview conducted by ACJPS, Haile (not his real name), a human rights defender said the systematic way of the involvement of the Eritrean military groups in human trafficking between the Eritrean and the Sudanese borders indicates that these activities might probably be used as a source to finance the Eritrean government.

Some Sudanese government officials indicated that the revenues of human trafficking might reach \$8b annually. A source also stated that 143 criminal reports related to human trafficking have been registered in 2016 by 780 victims.

The impact of political developments on Eastern Sudan

Some political developments took place in Kasala state in Eastern Sudan where many incidents related to human trafficking and illegal immigration have been reported. These developments took place after the government reshuffle following the April 2015 general elections after Adam Jamma of the Sudanese National Congress party (SNP) had been appointed governor of Kasala state on 5 June 2015. He announced his plan for addressing

illegal immigration and human trafficking in Eastern Sudan. He visited Kasala accompanied by Brigadier Mohamed Hamdan Dagalo, aka Himmidtti, leader of the Rapid Support Force (RDF) militia. A learned source told ACJPS that the newly appointed governor wanted to send a message to those involved in human trafficking that he will lead a crackdown on them with the help of the RDF. The RDF is known for committing violations in Darfur under the name of the Borders Guards Forces before the official integration of the militia into the NISS in January 2014. Jamaa created tension between Dagalo and the Eastern Sudan tribal chiefs who voiced their opposition to the presence of the RDF forces in Eastern Sudan by publicly rejecting the idea of transferring the activities of this militia to Eastern Sudan. Major General Mohamad Hamad, commander of the 11th Infantry Division who is originally from Eastern Sudan voiced his interest in forming a force similar to the RDF in Eastern Sudan to face the human trafficking gangs.

It has been reported that while Jamaa was working as governor of the Kasala state, criminal courts in the state issued decisions to forcibly deport 175 Eritrean refugees to their home country.³ A reliable source told ACJPS that Jamaa interfered to direct the issued court orders to forcibly deport refugees indicating coordination between Sudan and Eritrea governments in this issue. The Eritrean authorities sentenced those who are forcibly deported to imprisonment for up to 14 years and the might probably be subjected to torture.

The political developments in Egypt following the overthrow of the ex-president Mohamed Mursi led to the Egyptian authorities tightening the security in Sinai, thus affecting the activities of human trafficking that used to operate on routes to Israel and Libya via the Sudan Northern desert. These developments affected the operations of human trafficking gangs who instead held victims and demanded ransoms. Also, Jamaa's period as a governor witnessed a crackdown on human trafficking gangs who used to operate vast networks including middle rank police officers who could facilitate transporting refugees into cities, safely crossing military checkpoints and facilitating their movement towards Sinai desert. From 2010 until 2014, Kasala was one of the key centres from where human trafficking begins as well as centre for receiving ransoms through networks of smugglers in safe houses inside the cities. Members of these networks used to move freely within the cities, a fact which indicates that probability of them enjoying some kind of protection.

In an unexpected development, President Omer Al Bashir declared a state of emergency in Kasala state on 31 December 2017 for security reasons, drug smuggling and human trafficking pursuant to two decrees (48 and 50).⁴ Meanwhile, the south Talker border area near the

³ Addis Ababa Document on Refugees and Forced Population Displacement in Africa, Recommendation No. 7: African States should abide by the letter and spirit of the 1969 OAU Convention and continue to uphold their traditional hospitality towards refugees and their liberal asylum policies. In particular: (1) Refugees seeking admission into the territory of another State should not be rejected at the borders or returned to territories where their lives may be endangered. Accordingly, Governments should not close the borders in order to refuse refugees admission, (2) Governments should use their best endeavours to treat refugees according to standards established under refugee law. In particular, they should ensure the personal safety of refugees, locate them in areas which are accessible, safe and where basic services and amenities can be provided, and enable them to regain a normal way of life.

⁴ State of Emergency Declared in Kasala and Kordofan Provinces, *Al Rakooba* electronic newspaper, 31 December 2017.

borders between Sudan and Eritrea in the Red Sea State has been under the emergency laws since 1994.

Rapid Support militia and fighting illegal immigration

The use of armed tribal militias in Sudan started as a result of the disintegration of the Sudanese Army (Peoples' Armed Forces) following the control of power by the Sudanese Islamists in June 1989. Militias were established with the purpose of subjecting them to partisan control by the ruling party. Moreover, as a regular force, a militia is cheaper to establish. The focus was on tribal militias called the Camels Corps, established in 2003 and the Borders Intelligence, established in 2004. The Border Guards militia was established in the same year, then in 2014 the Rapid Support Forces militia was established. All these militias used to be technically and administratively subject to an independent authority led by local tribal chiefs while the government was in charge of providing the militias with financial support and arming. These militias were increasingly used as follows:

- They have been participating since 2003 in the regional armed conflict in Darfur by supporting the Sudanese government in facing the armed opposition movements. They focused on targeting civilians and in so doing they committed various violations and atrocities that eventually led to the intervention of the International Criminal Court (ICC) in 2009.
- They have been used in 2013 to suppress the protests widely known as the September Events in the Sudanese capital of Khartoum which led to the death of more than 185 protesters, 121 of whom were below 18 years old.
- Participated in changing the ruling regime in the Republic of Central Africa in 2013 where they committed wide-scale looting of vehicles. The number of vehicles looted was estimated to be 1,117 and their ownership was legalized by an exceptional resolution issued by the Sudanese government in 2014 in South Darfur state (see the ACJPS report: Darfur and the Militias Delegates, November 2017).
- They have been used in 2013-2015 to fight the armed Revolutionary Front opposition movement in Western Darfur, South Kordofan and the Blue Nile.
- They have been fighting with the Arab Alliance in the Yemen conflict (Operation Restoring Hope). Dr. Suliman Baldu estimated this number of the Rapid Support militia in Yemen at 17,000 fighters (see report).⁵ The fighters are paid 600,000 SDG every six months indicating that the financial motive is the same drive behind the interest of the militia fighters joining the conflict.
- This militia had been tasked since August 2016 with guarding the Sudanese-Libyan borders to stop illegal immigration. The militia arrested a number of illegal immigrants from Sudan, Eritrea, Somalia and Ethiopia in the borders area, all of whom were taken to Dongola Criminal Court for trial. The militia had also confiscated 25 vehicles transporting the illegal immigrants to Libya.

⁵ Darfur Faces Serious Threats, Suliman Baldu, November 2017.

The developments and events that took place afterwards highlighted the numerous risks of using the Rapid Support militias in combatting illegal immigration, some of which are:

- The involvement of this militia in the Sudan armed conflicts highlights wide-scale human rights violations committed by these fighters in the conflict zones. The UN Security council issued a resolution in 2004 to dissolve this militia but the Sudanese authorities ignored the resolution. This resulted in an immunity that encouraged it to carry on committing further violations. In 2007, the name of the tribal chief and leader of these militias, Musa Hilal was placed in the annually renewed travel ban list issued by the US administration.
- The Sudanese government changed the name of the unit of these militias led by Mohamed Hamdan Dagalo (aka Himidti) to the Rapid Support Forces following a training to the militia fighters provided by NISS in Karari, Omdurman and in NISS camps in the Nile State. Driven by financial gain, the militia attacked the Amgonga villages in South Darfur and forced villagers to move out to the IDPs camps of Kalama and Attash near Nyala, South Darfur state. Their villages were populated by the militia members who used the pastures.
- A learnt source reported to ACJPS that some neighbouring countries close to the Blue Nile state protested the presence of the Rapid Support militia for fear of being affected by a similar experience.
- Tribal chiefs in the Kasala state forced the Rapid Support militia leader, Himidti to withdraw his forces from the Kasala state in Eastern Sudan where he had arrived with the state governor, Mr Jamaa who was appointed to succeed Mohamed Yousuf in a new reshuffle following the 2015 Sudanese general election. According to credible sources, the local tribal chiefs were worried about the presence of these militias, known for their human rights violations and atrocities in Kasala.
- The Rapid Support militia was involved in the regime change in the Central African Republic in 2013 and later participated in Operation Restoring Hope in Yemen. Should the militia's involvement in conflicts outside the Sudan be related to financial gain, it would lead to a threat destabilizing regional security. The Sudanese government announced on 18 September that the authorities arrested 6 militiamen loyal to Musa Hilal, near the Sudanese Libyan borders on their way back from Libya after a coordinating trip to arrange for providing the Libyan military leader Khaleefa Haftar with 1000 fighters.
- The Rapid Support militia is known to be involved in gold mining in the Jabal Amir area where gold is smuggled to neighbouring countries such as Chad and Libya. On 21 September 2017⁶ the Sudanese media reported that the Rapid Support Forces killed 18, injured 6 and arrested 3 members of gangs involved in human trafficking. However, other sources reported that the incident was related to gold smuggling into Egypt by a group affiliated to the Border Guard militia led by Musa Hilal, an incident which indicates that the activities of these militias who often change their names are related to financial interests.

⁶ Darfur and the Chaos of Militias- ACJPS- December 2017.

- The Rapid Support militia was involved in fighting with Darfurian armed groups in 2015 in Khor Al Baasheem where 19 fighters from the Sudan Liberation Movement – Minawi faction were arrested.⁷ Those fighters who should be treated in accordance with the Geneva Convention of 1949 as prisoners of war were tortured by the militiamen and were later tried under the Sudanese Criminal Law of 1991 and the Sudanese Counter Terrorism Law of 2001 and were subsequently sentenced to death.
- Considerable number of militiamen got involved in speculating in the vehicles crossing from Libya into the Sudan. The Sudanese vice President Hasabo Mohamed estimated the total number of these vehicles to 65,000. The considerable number of the vehicles that crossed into the Sudan reflects control of the Libyan resources by the Islamist movements who used to control many oil fields and their revenues. Sources and analysts believe that the financial activities related to these vehicles which the Sudanese authorities legalized their ownership on condition of paying customs changes from January 2016 until August 2017 is indicative of the presence of ‘money laundering’ activities especially in the undisclosed relation between the Sudanese government and the vehicles exporters.

Relations between the Sudanese and Eritrean authorities and deportations by Sudanese courts

While preparing this report, ACJPS learned of 175 Eritrean asylum seekers who were to be deported including children following a deportation order by a criminal court.

Trying asylum seekers in criminal courts

While preparing this report, ACJPS monitored three cases tried in criminal courts in Kasala, Eastern Sudan. It became clear while monitoring that all courts were in breach of the standards of fair trial. They were incorrectly applying the law by trying Eritrean asylum seekers in of criminal courts.

Decisions of forced deportations against Eritrean refugees⁸

⁷ Report on the application of the Sudanese Counter Terrorism Law, 2001.

⁸ The Sudanese Refugees Law came into force in 2014 replacing the 2006 law. The new law criminalizes entering the country through the borders and punishes violators with imprisonment and deportation. However, Article 7(1) of the law provides for the obligation of the Sudanese authorities to take any person who seeks international protection to the nearest office the UNHCR to consider their application. Moreover, the law provides for protecting asylum seekers and refrain from punishing them because of their presence in the country or due to entering its territories illegally provided that they report to the office of the UNHCR within a month of their entry.

Sudan Interim Constitution 2005

27 (1) The Bill of Rights is a covenant among the Sudanese people and between them and their governments at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan.

(3) All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill.

Fair Trial, Article (4): No person shall be charged of any act or omission which did not constitute an offence at the time of its commission.

- On 23 May 2017, Wad al Hilaiou Criminal Court issued a decision to deport 95 Eritrean asylum seekers.
- On 10 August 2017, Port Sudan Criminal Court in Red Sea state issued a decision to deport 9 Eritrean asylum seekers.
- On 28 August 2017, Kasala Criminal Court issued a decision to deport 66 Eritrean asylum seekers.

Violation of the standards of fair trials

Denying asylum seekers appeal of their deportation court decisions.

Holding two trials for one case (trial of Hamberto Daggai et al on 28 August 2017)

Political interference in trials such as that of Hamberto Daggai et al who was tried after the outcome of the first trials was rejected due to the interference of the government of Kasalam state as reported by a credible source. Sudanese sources reported that the Ministry of Interior deported 200-300 citizens from states in the Horn of Africa to their home countries.

Violations committed by human trafficking gangs

Case 1

A gang of 8 Ethiopians whose identities are unknown abducted Abdalla Mohamed Adam, 35-year-old male from the village of Zahana near the Sudanese Ethiopian border on 7 May 2017 while on his way to check on his cows. The gang ordered the family of Adam who is from the Bani Amir tribe to pay a ransom of 900,000 SDG (\$10,000 approximately). His family negotiated with the gang to secure his release for 50,000 SDG (\$5000 approximately). On 10 May 2017, he was summoned by NISS for an interrogation and was later interrogated by the Sudanese police. The incident marked an unfamiliar development as the Ethiopian gangs known as the Shifta was not known to have been involved in human trafficking.

Case 2

An unknown human trafficking gang abducted 14-year-old Abdalla Hamid Idreese, and Abadda Mohamed Babikir, both male who live in Port Sudan, Red Sea state on 10 May 2017 near the Port Sudan market and demanded a ransom from their families in order to set them free.

Case 3

Families of a number of victims received phone calls on 20 May 2017 from unknown persons demanding ransoms of 28,000 SDG (\$2000). According to the Sudanese police authorities, the phone calls were made from within the Khartoum state's districts of Jabra, Al Sahafa and Al Souq Al Amarkazi.

Case 4

The village police of Al Hashaba, Wad Al Hilaiou locality, south of Kasala arrested 95 Eritrean nationals on 21 May 2017. The Eritreans were living in refugee camps where they spent 2 years and all of them were between 12 to 32 years of age. Wad Al Hilaiou court issued a deportation order against the 95 Eritreans and issued a decision to hand them to the Eritrean

authorities. The sitting judge based his decision on the pretext that neither the Ethiopian authorities nor the UNHCR agreed to receive them. The UNHCR stated that they could only receive Eritrean asylum seekers who enter the Sudanese territories through specific border crossings and that the 95 did not enter the country through these specific border crossing. The deportation order was put into force immediately. Legal sources told ACJPS that many asylum seekers were deported throughout the past three years despite the efforts of the International Refugees Commission to protect them. Sending those asylum seekers to the Eritrean authorities is a serious threat to their lives.

Case 5

4 Rashaida gunmen abducted 14 Eritrean refugees at gun point on 6 June 2015 from board a truck carrying 40 Eritrean refugees from a refugee reception centre in Wad Shareefi. The refugees were on their way to Al Shajarab refugee camp in Kasala state, Eastern Sudan. The 14 abducted refugees were selected from among the other refugee passengers on-board the truck. Learned sources told ACJPS that the 14 refugees were abducted after their families failed to pay the gang members the charges for trafficking them from Eritrea into Sudan. The abducted refugees were eventually freed by the Sudanese police on 27 June 2015 together with 47 other Eritrean refugees who were taken hostage by the same gang.

Case 6

On 3 July 2017, three masked gunmen stormed the refugee reception centre in Wad Shareefi and tied up the only policeman who was guarding the camp and another employee of the UNHCR. The gunmen who arrived in a Toyota Land Cruiser selected 18 persons from among the 120 asylum seekers. Sources told ACJPS that the selected asylum seekers seemed to have been waiting for the gunmen due to a prior agreement with them to transport them to another location. The centre was guarded by the Sudanese Ministry of Interior's Commission of Refugees. This refugee reception centre of Wad Shareefi, 15 km East of Kasala is a hangar without properly guarded fence. It is located about 10 km from the Sudanese Eritrean borders and mostly populated by Eritrean refugees because of its proximity to Eritrea.

Case 7

6 people were killed and 9 injured on 9 July 2017 in an accident that resulted from two Toyota vehicles being chased by a police car. All the victims were Eritrean asylum seekers save for one Sudanese citizen who was among the dead. One of the two chased cars collided with a lamppost and a stationary minibus and the other managed to escape. The accident took place near Al Souq Al Shabi area, West of Kasala. The injured were taken to Kasala hospital including the Sudanese driver.

Case 8

The family of 32-year-old Nima Hamid Ahmed Al Bashir (female) reported her missing to the police on 11 July 2017. The victim lives in Hai Al Matar neighbourhood, Port Sudan in Red Sea state, Eastern Sudan.

Case 9

Port Sudan police stormed a residential flat on 20 July 2017 and freed 16 Sudanese youths all of whom are below 18 years old. They were waiting to be transported by 5 human traffickers

who were Sudanese and Syrians. The police stormed the flat after 17-year-old Alaa Al Deen Abdalla (male) managed to escape from the flat and told the police about its location. According to a learned source, the group was gathered in the flat in preparation to trafficking the victims to a neighbouring country as agreed between the two parties. No information has been disclosed by the Sudanese authorities.

Case 10

Soldiers of the 11th infantry division of the Sudanese Armed Forces in Kasala, Eastern Sudan freed 71 hostages taken by a gang of 7 human traffickers in Wad Al Hilaiou, south of Kasala near the borders between Sudan, Eritrea and Ethiopia. The division is led by Major General Mahmoud Hamad who is originally from the Bani Amir ethnic group who have long been suffering from the activities of human traffickers. General Hamad worked for long years as a military intelligence chief in the Kasala state before working as a military attaché in the Sudanese embassy in Chad. According to learned sources, Hamad is forming an armed force in Kasala similar to the Rapid Support Force in order to secure the borders and crackdown on the human trafficking gangs who smuggle commodities, people, arms and drugs.

Case 11

26-year-old Awet Yamane (male), an Eritrean national died in the first week of July 2017. Yamane who came from Ganda in Eritrea died in the area of Hajar, East of the Nile in Khartoum East as a result of hepatitis according to a source whom ACJPS spoke to. The same source also reported that Yamane was taken to a hospital near Hajar where he died and was buried. Hajar which was once stormed by the police is one of the areas used by human traffickers to detain people until they pay their dues. Before he died, Yamane was detained by a human trafficking gang for a month to force him to pay additional \$500. He was initially told by the gang to pay \$1,500 part of which he paid but could not pay the remaining amount. The amount was the cost of trafficking Yamane from Eritrea into the Sudan in May 2017.

Case 12

9 Eritrean asylum seekers were taken to Soba Prison in Khartoum on 12 August 2017 after Port Sudan criminal court in the Red Sea state in Eastern Sudan issued an order on 10 August 2017 to forcibly deport them back to Eritrea.

Case 13

Kasala sitting judge, Al Sadiq A. Rahman, sentenced 66 Eritrean nationals to 2 months imprisonment and deportation after convicting them under Article (30) of the Sudanese Immigration and Passports Law which authorises the judge to imprison, deport, fine or combine the three punishments. The sentenced group includes 35 women, 30 men and a child, 30 were between 14 and 17 years of age. Following the trial, the children who were below 18 years old were all turned over to the Kasala Police's passports department to prepare their deportation. Learned source told ACJPS that the children were deported to Eritrea via Al Laffa 13 border crossing back to Eritrea. The rest of the group who were above 18 years old were all taken to Kasala prison to serve their imprisonment term which officially started on 16 July 2017, the date they were taken to prison. They were eventually deported back to Eritrea on 15 September 2017.

Case 14

The trial started at about 9:30am. The court held sessions for each 5 defendants with a voluntary legal representative. According to learned source, the judge refused trying the group on the ground that they were asylum seekers who are supposed to be transferred to refugee camps, but the Sudanese Refugees Commission interfered and wrote an official letter stating that description of refugees do not apply to them. Consequently, the judge agreed to the trial. Other learned sources told ACJPS that Kasala governor, Adam Jamma pressurised the judge to put the 66 asylum seekers to trial. The group of 66 Eritreans were freed by the Sudanese army from imprisonment by human traffickers in the area of Ghabat wad Ba'ou in Wad Al Hilaiou, south of Kasala.

Case 15

Policemen stormed a house in Al Daim district of Khartoum looking for a fugitive. After checking the IDs of the lodgers, 25-year-old Johannes (not his real name), an Eritrean national (male) was arrested on the grounds that he had an ID without any documentation to prove legal entry to the Sudan. He said he was taken to the Foreigners' Affairs Police Department in Al Souq Al Arabi, central Khartoum where he spent two days before referring him to Al Jiraif Criminal Court in Khartoum. He was convicted and ordered to pay 5000 SDG fine (\$200). Neighbours supported him and paid his fine and eventually he was then released.

Background: Johannes' family immigrated from their hometown in Tsiga to Tsanai near the Sudanese Ethiopian borders where he continued his education and worked as a truck assistant during his school holiday. In 2011, while he was heading home from school, he was abducted by group wearing plain clothes, and transported on a Toyota double cabin vehicle to Shalat area near Tsanai where he was severely beaten with hosepipes. While there, he was taken to a prison where he found some Sudanese. He was then transferred to Adasir Prison in Sawa Camp in the Gash area where he was interrogated about the activities of the truck driver was working with. He was asked for information about the illegal human trafficking but he had nothing to tell them. He was once again subjected to severe beating by three men and was later tied and made to stand for long hours in very hot weather. He suffered a broken bone and bleeding in a leg joint because of the beating he was subjected to during interrogation by one of the men called Ibrahim. He was taken for treatment to a hospital inside Sawa Camp where he spent a week. Later in 2015, Johannes was taken to Hashfarai underground prison near Karan where he spent two years and was subjected to torture and ill-treatment and was injured once again in the same leg joint. His injury was so severe that he was taken to hospital where he managed to escape with another patient in August 2017. They were lucky to have a lift to Agordat, where the driver provided them with the phone number of a fellow inmate brother who used to work as a soldier in the area. With the help of this soldier, they were transported with a military vehicle to the Sudanese Eritrean borders.

Both were then abducted from the Sudanese Eritrean borders area by a human trafficking gang who upon knowing they were stranded escapees demanded \$17,000 ransom. They were then detained without enough food or water until Johannes fell ill. He was taken by a car and left in an unknown area where he was found by some Eritreans who helped him recover gradually. When asked about what happened to him and what they could do to help, he asked them to help him get to Khartoum. He was transported at about 10 pm to Khartoum with other 17 Eritreans and arrived the following morning in an area with mud-built houses and

from there, they were taken to Khartoum. The driver contacted an acquaintance in Al Sahafa district of Khartoum who helped house Johannes. He could not move for two days due to the body pains he was suffering. They asked him to have a shower but he could not due to the injuries he sustained. He was then reunited with and helped by a friend who was with him in prison for six months.⁹

Recommendations

The international community must press for political reformation in Eritrea, including proper application of the Military Reserve Law i.e. conscription.

The African Union and the African Parliament must take an action to stop illegal immigration.

The Sudanese government must commit to the appropriate application of the law and stop deporting asylum seekers.

The Sudanese government must stop using militias to combat illegal immigration.

The Sudanese Refugee Commission must commit to its mandate and protect asylum seekers.

The Sudanese authorities must work hard to stop illegal immigration.

⁹ Interview was conducted on 16 December 2017.