

SPECIAL BULLETIN

Darfur: Internal relocation to Khartoum

An immigration judge in Bradford has held that the country guidance case AE (Relocation – Darfur – Khartoum an option) Sudan CG [2005] UKIAT 00101 is “flawed in law”.

The judge declined to follow it because:

The Tribunal failed to refer to or consider the United States Department of State Report published 28th February 2005 www.state.gov/g/drl/hrrpt/2004/41628.htm which, at page 12 of 18, states:

“The Government pressured IDPs to return home against their wishes. In one instance, foreign observers, visiting an IDP return site in Sani Deleiba set up by the Government, discovered that IDPs who had been forced home and promised assistance to rebuild their homes received two small bowls of sorghum and a piece of plastic sheeting.”

Points to consider

The immigration team at Garden Court North Chambers advises practitioners to argue in Darfur cases that the conclusion in AE as to internal relocation is vitiated in law for failure to consider the USDoS evidence above. Further, the Tribunal does not appear to have considered either the Amnesty International Report “Sudan: No-one to complain to: No respite for the victims, impunity for the perpetrators” dated December 2004, which states, inter alia, that in Khartoum, people originally from Darfur have been “routinely subjected to arrests. Such practices have continued throughout 2004. Many arrests carried out by the security forces named above do not seem to be for any reason other than belonging to particular ethnic groups, usually those represented in the Darfur armed opposition groups (Zaghawa, Fur, Masalit and other smaller groups)”. For the above reasons, the immigration team believes that the immigration judge was right to hold that this legally flawed decision could not be binding and should not be followed.

Evidently, AE considered only the issue of ethnicity per se. The immigration team advises practitioners to take careful and detailed instructions on whether Darfur cases disclose any other ‘risk factors’ beyond mere ethnicity e.g. perceived political sympathies or involvement, or whether the Appellant has any personal characteristics which mean internal relocation to Khartoum would be unduly harsh for the Appellant, such as extreme youth, and post traumatic stress disorder which, we should not forget, resulted in a positive outcome for the Appellant in MM (Zaghawa, Risk on return, internal flight) Sudan [2005] UKIAT 00069.

The Amnesty report cited above can be downloaded at :

<http://web.amnesty.org/library/Index/ENGAFR541382004?open&of=ENG-SDN>