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Sudanese sex offender wins damages for being held in custody too long

Court of appeal rules Jumaa Kater Saleh was detained for too long while Home Office attempted to deport him

Shane Hickey and agencies
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A sex offender has won the right to damages after the court of appeal ruled he was held in custody for too long while attempts to deport him were unsuccessful.

Jumaa Kater Saleh, 25, from the Darfur area of Sudan, was part of a group of five men who lured underage girls to a house for sex. He was detained for just over two years while the home secretary attempted to deport him after the end of his four-year criminal sentence in a young offender institution.

The appeal judges said that eight months of his detention were "unreasonable and unlawful", and that he was entitled to damages because of Home Office administrative delays reaching the decision that he could not be deported on human rights grounds.

Saleh, who went to live in Leicester after his release, successfully appealed against a ruling by deputy high court judge Philip Mott QC in January this year that dismissed his compensation claim on all grounds.

The court of appeal ruled: "His past criminal offending, of itself, cannot be any justification for implementing or extending his time in immigration detention."

Saleh arrived in the UK in November 2004, hidden in the back of a lorry. It is believed that he claimed asylum when he was 16 based on his membership of the Zaghawa tribe from Darfur. His family was subjected to intolerable treatment by the majority population of the area.

The asylum claim was rejected in January 2005. Because of his young age, he was given discretionary leave to remain in the UK until his 18th birthday, which was assumed to fall in October 2006.

He then made a further application to remain in the UK for "humanitarian protection".

In May 2007, he was arrested and charged with serious sexual offences against children and remanded in custody. He was convicted of two "sample" offences of sexual activity with a 13-year-old schoolgirl on 21 February 2008, and, on 8 May that year, sentenced to four years in a young offender institution, Lord Justice McFarlane, one of the appeal judges, said.

"He, together with four others, had lured schoolgirls to a house for the purposes of sexual activity. The three girls involved were aged 13 or 14," the judge said.

The judge who sentenced him expressly said that "the three girls were targeted by the group of five males" and recommended that Saleh be deported. The trial judge remarked that all three girls were "clearly disturbed and vulnerable, far from mature for their years and had been targeted by the group"

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targeted by the group .

Saleh was released from his prison sentence in May 2009 but continued to be detained for a further two years pending further consideration as to whether he should be deported.

A decision letter refusing him permission to remain in the UK was sent to him on 12 August 2010.

In February 2011, a first-tier immigration tribunal concluded there was "overwhelming evidence" that Saleh was a Zaghawan from Darfur, and his appeal against automatic deportation was allowed on human rights grounds.

The case has been sent back to London's high court to decide how much he should be paid in damages.

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