

**Appeal No. HX19630-2002**  
**AA (Risk-Geledi-Benadiri Clan) Somalia CG [2002] UKIAT05720**

**IMMIGRATION APPEAL TRIBUNAL**

Date heard: 12 November 2002

Date notified: 11/12/2002

Before:-

**DR H H STOREY (Chair))**  
**MR K DRABU**  
**MR A A LLOYD**

Between

**MR ABDULLAHI MOHAMED ALI**

Appellant

And

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION AND REASONS**

1. The appellant, a national of Somalia, has appealed with leave of the Tribunal against a determination of Adjudicator, Miss J Grimmer, dismissing the appeal against the decision by the respondent refusing to grant asylum albeit granting limited leave until February 2003. Miss R Chapman of Counsel instructed by Wilson & Co Solicitors represented the appellant. Mr P Deller appeared for the respondent. This is a s.69 (3) appeal.

2. The Tribunal has decided to allow this appeal.

3. The adjudicator accepted that the appellant was a member of the Geledi clan. However she dismissed the appeal firstly, because she did not consider that the Geledi are considered to be a sub-group of the Benadiri; and secondly, even if considered to be Benadiri, the latest CIPU reports said that persecution solely on the basis of clan membership is now very unlikely in most areas of Somalia.

4. Miss Chapman urged the Tribunal to find, particularly in the light of the further letter from Dr Lulling, an expert on southern Somalia, that it was clear the appellant would be perceived as a member of a minority clan whose position was extremely vulnerable. Mr Deller contended that the adjudicator's finding - that the appellant as a member of the Geledi clan would not be perceived as belonging to the Benadiri - was sustainable. He did not seek to defend the adjudicator's second principal finding. He said that flaws in the determination otherwise would merit a remittal, but that the appeal should not be allowed in full.

5. We would first of all state that we continue to take the view adopted by the Tribunal in previous cases (such as *Sabriye* [2002] UKIAT 02264, *Ebyain* [2002] UKIAT 02543, *Abdi* [2002] UKIAT 02927 and *Hussain* [2002] UKIAT 02545)) that members of the Benadiri clan remain at real risk of persecution. Insofar as the adjudicator took into account Home Office policy on the matter, she appears to have wrongly understood the previous policy position on the Benadiri to have changed: as Mr Deller confirmed, it has not. Insofar as the adjudicator viewed the latest CIPU materials to negate the view that in parts of Somalia persecution on the basis of clan membership persists, we consider she was wrong. It is true that these materials do indicate that the position is different in different regions: thus at paragraph 4.7 of the April 2002 Assessment it is stated that there is no general clan-based persecution in Somaliland. However, in relation to certain other areas including those with which we are concerned in this case, these materials are more cautious: see e.g. 4.17 and 4.25. An additional Home Office document still in use states that: "It is acknowledged that the Benadiri suffered persecution on the basis of their ethnicity and that they cannot return to Somalia". The US State Department profile of Somali asylum claims describes the Benadiri as "especially vulnerable to attack". Amnesty International takes a similar view. In addition the adjudicator had before her the Joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya of September 2000 which continued to see the Benadiri as at risk of serious human rights abuses.

6. Hence the appellant is entitled to succeed in his asylum appeal if he can establish that he is part of or would be perceived by outsiders as part of the Benadiri clan.

7. The appellant says he would be perceived as part of the Benadiri clan because he is a member of the Geledi clan who are allied with the Benadiri and treated as Benadiri. As already noted, however, the adjudicator did not think the evidence on this matter was conclusive: she described it as "conflicting" and "contradictory".

8. Whilst as already intimated we would agree that the evidence is not monolithic, we are satisfied that it does sufficiently establish that the Geledi would be treated as part of the Benadiri clan. In this regard we consider the following to be salient factors.

9. Firstly, membership of the Benadiri clan does not put as much weight on genealogical descent as do the Somali clans. One expert, Perouse de Montclos, has commented that the name Benadiri does not correspond to any well defined sociological reality. Hence it designates those groups not from any of the Somali clans who form the coastal population of Somali roughly between Mogadishu and

Kismayo, who share an urban culture and who are of mixed origin separate from the major Somali clans.

10. Secondly, although it is true that in some sources the Geledi are grouped as members of the Benadiri clan and in other sources they are grouped with the Digil clan, that difference has been satisfactorily explained by Dr Luling in the following terms:

“The Geledi consist of a number of lineage groups, some of which descend from groups [groups emigrating from different regions in the Arabian peninsula, those settling during the 16<sup>th</sup> century in the inland trading settlements such as Afgoye and the nearby Awdhegle on the Sheblee river, in particular] who are ‘light-skinned’ and thus Benadiri, while others are ‘dark-skinned’. The main ‘light-skinned’ lineages are the Odoweine and the Qurabane. However outsiders such as the Habar Gidir tend to lump all the Geledi together and consider them all to be Benadiri (and hence peculiar, contemptible and not proper Somali)...”

11. We should further note at this point that in a subsequent short clarificatory letter of August 5, 2002, Dr Luling has written:

“I believe that the Geledi clan, living mainly in Afgoye and Mogadishu, are still at risk of persecution at the present time.... I believe that the Geledi are particularly vulnerable”.

12. Mr Deller appears to extract from Dr Luling’s observations that it would be possible to distinguish between Geledi and Benadiri on the basis of their skin colour or perhaps or to distinguish between some different types of Geledi. However, it seems to us plain that Dr Luling’s principal point is that those outside the Geledi’s own area consider them as Benadiri and react to them in the same way as they do to Benadiri. We have not been made aware of any evidence which casts doubt on Dr Luling’s evaluation and, in the absence of such evidence, we are not disposed to reject or minimise it.

13. Fourthly, insofar as the evidence concerning the Geledi’s linkage with the Digil clan is concerned, we would observe, as Dr Luling points out, in her July 2002 report that the Geledi appear, under Afgoye [a region], in the list of clans accepted by the Home Office as belonging to the Benadiri minority. Hence, insofar as region is a criterion of identity, the evidence points to members of the Geledi as being primarily linked with the Benadiri.

14. Fifthly, even assuming that certain Geledi from regions other than Afgoye would not for some reason be identified with the Benadiri, it is not in dispute that this appellants was from Afgoye.

15. Sixthly, we do not think that the adjudicator was right to place as much reliance as she did on an extract from the September 2001 joint British, Danish and Dutch fact finding mission which does not mention the Geledi amongst the Benadiri sub groups

although it is accepted that the elders it had spoken to might not know the subgroups. Not only did the elders spoken to make clear they did not know all the sub groups, but that mission's report was based on a meeting in Nairobi with elders from only three groups of Benadiri. The report noted that it was satisfied that there were "many more sub-groups than the ones mentioned by the elders in Nairobi".

16. Given our satisfaction that (i) the appellant is a member of the Geledi, (b) that the Geledi are perceived by outsiders as part of the Benadiri clan and (iii) members of the Benadiri clan continue to face a real risk of persecution on account of their race, we consider that this appeal should be allowed.

17. In view of our finding that the appellant would be viewed as a member of the Benadiri we do not consider we need address Miss Chapman's alternative submission which was that the Geledi, even if considered only as member of the Digil clan, would still face a real risk of persecution on the objective evidence.

18. For the above reasons this appeal is allowed.

**DR H H STOREY  
VICE-PRESIDENT**