

Decision made on 29 April 1992

Finland

Asylum Appeals Board

The Ministry of the Interior gave a negative decision on the asylum application, November 7, 1991, and granted a residence permit on humanitarian grounds the same day.

The applicant stated that he was a member of the Darood Majerteen clan, and from Burao, northern Somalia. His father had been a colonel in the Somali army and had been imprisoned since 1978 because of his political opinions. Ali Shamaarke, former president of Somalia was the applicant's cousin. He had been subjected to several acts of extortion by the armed forces. Because of belonging to the clan in question he had been denied the right to elementary education. The applicant and his wife had been shot by the police in 1989, when the police rushed in to their home. The reason for the persecution was the anti-government opinions of the applicant's father. His mother had been arrested three times. He had also been tortured. The applicant's father and brother were held as hostages in Mogadishu, and he had relatives and family members who were refugees in Kenya.

Legal Ruling:

Legal Reasoning:

The Asylum Appeals Board found that the applicant was from Burao in northern Somalia, and that he in his home region could, under the circumstances presented in the case, be subjected to serious violations of his rights. He could not return safely to Somalia and was therefore in need of protection.

Furthermore, taking into consideration the circumstances as a whole, and particularly the persecution that the applicant had been subjected to because of his father's political opinion, his clan background and the unstable situation in Somalia, the Asylum Appeals Board considered the applicant to have a well-founded fear of persecution in his home country. No exclusion clause was applicable in the case, and the applicant was therefore to be given asylum.

Disposition:

The Asylum Appeals Board quashed the Ministry of the Interior's decision and granted the applicant asylum.