



Home Office

## Country Information and Guidance

Somalia

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of - as well as country of origin information (COI) about - Somalia. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office's research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,  
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspectorukba@icinspector.gsi.gov.uk](mailto:chiefinspectorukba@icinspector.gsi.gov.uk)

Website: <http://icinspector.independent.gov.uk/country-information-reviews>

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# 1. Security and humanitarian situation in south and central Somalia

See [Map](#)

## Introduction

At present it is only possible to remove nationals of Somalia to Mogadishu; or in some cases to Puntland or Somaliland for those formerly resident or having clan connections in those areas. Therefore, unless the person can be removed to Somaliland or Puntland, the first consideration is whether the person would be at risk on return to Mogadishu and, if so, whether they can reasonably be expected to relocate to another area in Somalia. That will, in part, depend on whether the person can get to that area safely and, if so, the general humanitarian situation in that area.

## 1.1 Guidance

### Basis of claim

- 1.1.1 That the security and/or humanitarian situation in south and central Somalia presents a real risk which threatens life or person such that removal would be in breach of Article 15(c) of the European Council Directive (2004/83/EC) of 29 April 2004 ('the Qualification Directive') and/or the general humanitarian or security situation is so severe as to make removal a breach of Article 3 of the European Convention on Human Rights (ECHR).

See relevant country information on [Security situation in south and central Somalia and Humanitarian situation.](#)

See also Asylum Instruction (AI) on [Humanitarian protection](#)

### Specific issues

- A state of civil instability and/or where law and order has broken down does not of itself give rise to a well-founded fear of persecution for a Convention reason.
- Is there an international or internal armed conflict where indiscriminate violence in Somalia is at such a level that substantial grounds exist for believing that the person, solely by being present there, faces a real risk of harm which threatens his/her life or person?
- Is the general situation in Somalia so severe as to cause, by itself, removal to Somalia to be a breach of Article 3 ECHR?
- Are those at risk able to internally relocate within Somalia to escape that risk?

See guidance on [Internal relocation](#) and relevant country information on [Freedom of movement](#)

## Consideration of issues:

### Mogadishu

1.1.2 The human rights and security situation in Mogadishu is serious and fragile and in many ways unpredictable. However, there have been improvements in the security situation in Mogadishu since the withdrawal of Al Shabab (a.k.a. al-Shabab, al-Shabaab, Al Shabaab) in August 2011, and in light of the fact that Al Shabab is no longer in power in the city; there is no front-line fighting or shelling any longer; and the number of civilian casualties has gone down, the available country information does not indicate that, at present, the situation is of such a nature as to place everyone who is present in the city at a real risk of treatment such that removal to Mogadishu would be contrary to Article 3 of the ECHR or that removal would be a breach of Article 15(c) of the Qualification Directive. A person may, nevertheless, face a real risk of harm by reason of their individual circumstances.

See the COI sections on [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

1.1.3 In the country guidance case of [AMM and others](#) (November 2011), the Upper Tribunal concluded that at that time there was in general a real risk of a breach of Article 15(c) for the majority of those returning to Mogadishu after a significant period of time abroad. Such a risk did not arise in the case of a person connected with powerful actors or belonging to a category of middle class or professional persons, who can live to a reasonable standard in circumstances where the Article 15(c) risk, which existed for the great majority of the population, did not apply (see paragraph 594 of determination). The Upper Tribunal noted the reduction in violence following Al Shabab's withdrawal from Mogadishu but said was that it was too early, in November 2011, to show that the reduction in violence was durable (see paragraph 363 of determination).

See [AMM and others](#)

1.1.4 **The situation in Mogadishu should not be regarded as presenting a general risk of a breach of Article 15(c) to all returnees.** The country information indicates there has been an improvement in the security situation in Mogadishu since the withdrawal of Al Shabab in August 2011, although there was an increase in violence in the second half of 2013 compared to 2012.

See asylum instruction on [Humanitarian Protection](#), guidance on [Internal relocation](#) and relevant information on [Freedom of movement](#), [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

1.1.5 If a person establishes (under Article 15(c) of the Qualification Directive) particular factors that place them at additional risk above that which applies to the civilian population generally, such that they are at real risk of serious harm from the levels of indiscriminate violence that do exist and internal relocation to a place where there is not a real risk of serious harm is not reasonable, the person is likely to qualify for Humanitarian Protection.

1.1.6 The Tribunal in [AMM and others](#) also found that the armed conflict in Mogadishu does not pose a real risk that in general removal would be a breach of Article 3 of the ECHR for any person who lives in that city, regardless of circumstances. The humanitarian crisis in southern and central Somalia has led to a declaration of famine in internally displaced person (IDP) camps in Mogadishu; but a person returning from the United Kingdom who is fit for work or has family connections may be able to avoid having to live in such a camp. They may, nevertheless, face a real risk of harm such that removal would be a breach of Article 3 by reason of their or her individual vulnerability (see paragraph 595 of determination)

1.1.7 In the case of [K.A.B. v. Sweden \(September 2013\)](#), the European Court of Human Rights found that **there is no general Article 3 risk in Mogadishu. The decision maker must therefore assess whether the individual circumstances of the person are such that their return to Somalia would breach Article 3 ECHR.**

1.1.8 IDPs in the context of Somalia and Mogadishu are not a homogenous group. The economic-social circumstances of these people can vary significantly [see para 485 of [AMM and others](#)]. Decision makers should therefore take care to assess any claim in which a person submits that they will be forced to become a vulnerable IDP on return to Mogadishu. Relevant factors will include a careful assessment of the person's gender; previous place of residence; their work skills profile (in the UK and Somalia/elsewhere); health; family/clan connections in Mogadishu; previous experience of living in an urban setting; education; humanitarian support to IDPs in Mogadishu and the impact of assisted voluntary returnpackages available to all voluntary returnees. It is accepted that the position of some of the most disadvantaged IDPs could likely lead to a breach of Article 3 particularly on the basis of the threat of gender based violence/violence..

See ECtHR caselaw, [K.A.B. v. Sweden](#)

See country information on, [Security situation in south and central Somalia](#)

See [AMM and others](#)

See asylum instruction on [Humanitarian Protection](#)

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## Areas outside Mogadishu

1.1.9 The security conditions in south and central Somalia (outside of Mogadishu) do not, in general, present a real risk that removal would be a breach of Article 15(c) of the Qualification Directive or a breach of Article 3 ECHR. A returnee may, nevertheless, face a real risk of harm by reason of their individual circumstances - in particular, those with no recent experience of living in Somalia who are returning to live in, or travel through, an Al Shabab controlled area.

1.1.10 If in individual cases the person cannot remain in Mogadishu, the decision maker must establish whether that person could safely



and reasonably relocate elsewhere in Somalia. The country guidance case of [AMM and others](#) confirmed that fighting in southern and central Somalia is both sporadic and localised and is not such as to place every person in that part of the country at real risk of harm that breaches Article 15(c). The decision maker must establish where a person comes from and what the country information indicates is the present security situation in that place in order to determine whether Article 15(c) is applicable (see paragraph 597 of determination).

See [AMM and others](#)

1.1.11 [AMM and others](#) found that ‘relocation to an IDP camp in the Afgoye Corridor will, as a general matter, be unreasonable, unless there is evidence that the person concerned would be able to achieve the lifestyle of those better-off inhabitants of the Afgoye Corridor settlements’ (paragraph 602) and that ‘internal relocation to an area controlled by Al Shabab is not feasible for a person who has had no history of living under Al Shabab in that area (and is in general unlikely to be a reasonable proposition for someone who has had such a history - see above). Internal relocation to an area not controlled by Al Shabab is in general unlikely to be an option, if the place of proposed relocation is stricken by famine or near famine (paragraph 603).’

See [AMM and others](#)

See information on [Actors in conflict: opposition](#)

1.1.12 There is, likewise, no generalised current risk of Article 3 harm as a result of armed conflict (see paragraph 597 of [AMM and others](#)). However, the Tribunal found that, in general, a person with no recent experience of living in Somalia will be at real risk of being subjected to treatment proscribed by Article 3 ECHR in an Al Shabab controlled area. ‘No recent experience’ means that the person concerned left Somalia before the rise of Al Shabab and its territorial gains in 2008. Even if a person has such experience, however, they will still be returning from the United Kingdom, with all the adverse assumptions likely to be made by Al Shabab about the person concerned being a spy for western governments or the Somalia National Government or the African Union Mission to Somalia (AMISOM). They will be less likely to be readily identifiable as a returnee. Even if they were to be so identified, the facts of the case may point to the person having struck up some form of accommodation with Al Shabab, whilst living under their rule. On the other hand, although having family in the Al Shabab area of return may alleviate the risk, the shifting nature of Al Shabab leadership and the fact that punishments are meted out in apparent disregard of local sensibilities mean that, in general, it cannot be said that the presence of family is likely to mean the risk ceases to be a real one (paragraph 598).

See information on [Security situation in south and central Somalia and Humanitarian situation](#) See also AI on [humanitarian protection](#)

See [AMM and others](#)

See AI, [Considering the asylum claim and assessing credibility.](#)

See guidance on [Internal relocation and relevant information on Freedom of movement, Security situation in south and central Somalia and Humanitarian situation](#)

1.1.13 The Tribunal also found that Al Shabab’s reasons for imposing its requirements and restrictions, such as regarding manner of dress and spending of leisure time, are religious and those who transgress are regarded as demonstrating that they remain in a state of kufr (apostasy). The same is true of those persons who are identified as returning from the West (paragraph 599).

1.1.14 [AMM and others](#) noted that although those with recent experience

of living under Al Shabab may be able to 'play the game', in the sense of conforming with Al Shabab's requirements and avoiding suspicion of apostasy, the extreme nature of the consequences facing anyone who might wish to refuse to conform (despite an ability to do so) is such as to attract the principle in RT (Zimbabwe). The result is that such a person will also in general be at real risk of persecution by Al Shabab for a Refugee Convention reason (paragraph 600).

1.1.15 Where a person is at real risk of mistreatment from Al Shabab that mistreatment is likely to amount to persecution and is likely to be based on the actual or imputed religious opinion (see paragraph 599 of AMM and others) or political opinion and (unless excluded) the person will be a refugee.

## Policy summary

**There have been improvements in the situation in Mogadishu since the withdrawal of Al Shabab in August 2011. In these changed circumstances, conditions in Mogadishu no longer present a general risk from indiscriminate violence such that removal would be a breach of Article 15(c) of the Qualification Directive or Article 3 ECHR. A person may nevertheless face a real risk of harm because of their individual circumstances and, if so, may qualify for Humanitarian Protection.**

**In areas of south and central Somalia outside of Mogadishu the general conditions do not present a risk from indiscriminate violence such that removal would be a breach of Article 15(c) of the Qualification Directive or Article 3 ECHR. A person may nevertheless face a real risk of harm because of their individual circumstances and, if so, may qualify for Humanitarian Protection.**

**Those returning to, or travelling through, areas in south and central Somalia outside of Mogadishu may, nevertheless, face a real risk of harm because of their individual circumstances, particularly those with no recent experience of living in Somalia who will be at real risk of being subjected to treatment contrary to Article 3 ECHR, if they are returning to live in, or travel through, an Al Shabab controlled area. They may be at risk of persecution because of actual or imputed religious or political opinion and may qualify as a refugee.**

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## 1.2. Information

Updated to 3 March 2014

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## Protagonists

### Pro-government forces

1.2.1 See [Actors of protection](#) for a description of the Somali police and security forces.

### African Union Mission to Somalia (AMISOM)

1.2.2 AMISOM is a regional peace-keeping mission operated by the Africa Union<sup>1</sup> which is provided with logistical support by the UN Mission in Somalia (UNSOM)<sup>2</sup>, and is authorised to deploy up to 21,586 soldiers in addition to 540 police to Somalia. The military component is comprised of troops drawn from Uganda, Djibouti, Burundi, Sierra Leone, Kenya and Ethiopia. AMISOM personnel are deployed in six areas in south and central Somalia:

- sector 1, Banadir (including Mogadishu) and Lower Shabelle;
- sector 2, Lower and Middle Juba;

<sup>1</sup> AMISOM, [AMISOM Background](#), undated, accessed on 28 February 2014

<sup>2</sup> UN, [Report of the Secretary-General on Somalia](#), 3 September 2013, para 57

- sector 3, Gedo, Bay and Bakool;
- sector 4, Hiraan and Galgaduud;
- sector 5, Middle Shabelle; and
- sector 6, Kismayo.<sup>3</sup>

See [Map of Somalia](#)

## United Nations in Somalia (UNSOM)

1.2.3 The UN launched ‘... UNSOM on 3 June [2013] as mandated by the Security Council in resolution 2102 (2013). Led by [a]... new Special Representative, the United Nations worked to consolidate peace in Somalia... grounded in the principle of respect of national ownership. The focus during the reporting period was on reinvigorating political support for the peace process in Somalia and fostering a new phase of cooperation with the international community, including through preparations for the “New Deal” aid compact’<sup>4</sup>

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## Opposition

### Al Shabab

1.2.4 A Home Land Policy Institute policy brief of 27 August 2013 described Al Shabab:

‘Harakat al Shabaab al Mujahedeen, meaning “Mujahedeen Youth Movement” in Arabic, is an al Qa’ida affiliated terrorist organization that seeks to establish an Islamist state in Somalia. In its short history, al Shabaab has evolved from a small mili[ti]a group to a formidable insurgent force that once controlled significant amounts of territory. Extending beyond Somalia, al Shabaab has pursued a global jihadist agenda by launching terrorist attacks in countries such as Uganda and Kenya, and soliciting support from the Somali diaspora and external extremist groups.’<sup>5</sup>

1.2.5 Al Shabab is the principal threat to peace and security in Somalia.<sup>6</sup> The group experienced strategic setbacks in 2011 and 2012 after it was ejected by pro government forces from Mogadishu, Afgoye, Baidoa, Merca and Kismayo, depriving it of revenue, though it retained an underground presence in these cities. The group has also experienced internal divisions which, alongside loss of territory and public support, may have weakened it.<sup>7</sup> However Al Shabaab ‘... controls, or at least is able to operate at will in, huge swaths of south and central Somalia, and still able to hit high-profile targets in

<sup>3</sup> AMISOM, [AMISOM Military Component](#), undated, accessed 28 February 2014

<sup>4</sup> UN, [Report of the Secretary-General on Somalia](#), 3 September 2013, para 20

<sup>5</sup> Home Land Policy Institute, George Washington University, [Somalia’s Al-Shabaab: Down But Not Out](#), 27 August 2013, p1

<sup>6</sup> UN, [Report of the Monitoring Group on Somalia and Eritrea](#) (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013, Summary, p7

<sup>7</sup> Home Land Policy Institute, George Washington University, [Somalia’s Al-Shabaab: Down But Not Out](#), 27 August 2013, p15

Mogadishu's heavily fortified areas including the national courts, the UN compound, the Turkish embassy, and popular gathering places such as the Village restaurant.<sup>8</sup>

1.2.6 The Report of the UN Monitoring Group on Somalia and Eritrea (MGSE report) provided a summary of the size, resource, capability and tactics of Al Shabab, covering events up to around mid 2013:

'... Al-Shabaab has suffered conventional military setbacks, particularly in urban centres, including the loss of Kismaayo [during the reporting period: July 2012 to mid 2013], as the forces of AMISOM and the Somali National Army expanded their areas of territorial control. However, Harakaat al-Shabaab al-Mujaahidiin continues to control most of southern and central Somalia and has shifted its strategic posture to asymmetrical warfare in both urban centres and the countryside. The military strength of Al-Shabaab, with an approximately 5,000-strong force, remains arguably intact in terms of operational readiness, chain of command, discipline and communication capabilities. By avoiding direct military confrontation, it has preserved the core of its fighting force and resources. Given its structure, internal dissension has had no impact on Al-Shabaab's ability to conduct operations. The leadership of Ahmed Godane has been kept largely unchallenged, in part by strengthening the role and resources of Amniyat, Al-Shabaab's "secret service", which is structured along the lines of a clandestine organization within the organization with the intention of surviving any kind of dissolution of Al-Shabaab.'<sup>9</sup>

#### Targeted killings, ill-treatment and other human rights violations

1.2.7 Al Shabaab has shifted its tactics from conventional to asymmetrical warfare in recovered areas, including in Mogadishu. The group has particularly targeted members of:

- Government of Somalia,
- State institutions and the international presence working in Somalia, including the United Nations.<sup>10</sup>

1.2.8 But also targeted:

- Journalists
- Elders
- Politicians
- Judges
- Businessmen
- Civil society activists

'These operations have caused hundreds of civilian casualties, including women and children and foreigners.'<sup>11</sup>

1.2.9 Al Shabab claimed responsibility for '... hundreds of assassinations and attacks involving improvised explosive devices of different types (person-borne, vehicle-borne, suicide vehicle-borne, radio-controlled, and victim-operated), ambushes, mortar shelling,

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<sup>8</sup> International Crisis Group, EJ Hogendoorn: [Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward](#), 8 October 2013

<sup>9</sup> UN, [Report of the Monitoring Group on Somalia and Eritrea](#) (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013, p7

<sup>10</sup> [UNSG](#), 14 October 2013, p3

<sup>11</sup> UN, [Report of the Monitoring Group on Somalia and Eritrea](#) (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013, para 10

grenades and hit-and-run tactics.<sup>12</sup>The Armed Conflict Location and Event Dataset (ACLED) reported on security trends in Somalia during 2013 on 22 January 2014, observing that (see comments in paragraph 1.2.34 about the reliability of ACLED data):

‘Political violence in Somalia is dominated by the activity of Al Shabaab and its conflict with the Federal Government and allied forces. Al Shabaab was involved in over 20% of all conflict events in Somalia in 2013, and over 30% of all reported fatalities, making it the single most active non-state force. The group’s declining capacity and control over territory is evident in the data, however, as this rate represents a decline from over 26% of activity attributed to the group in the preceding two years.’<sup>13</sup>

1.2.10 ACLED see comments in paragraph 1.2.34 about the reliability of ACLED data) also observed in January 2014:

‘The dynamics of Al Shabaab activity have also changed in recent years: the proportion of Al Shabaab activity that has targeted non-combatants populations has increased steadily since late 2011... with a particularly marked increase in civilian fatalities as a result of a suicide bombing in Mogadishu in October of that year.

‘Notable spikes in Al Shabaab violence against civilians are evident in August 2012, December 2012 and September 2013... and many correspond with periods of territorial contestation with the Federal Government and allied forces. In areas which were soon-to-be seized from the group by Federal Government forces, attacks on civilians accused of spying appear to have increased in the run up to the territorial transfer. Similarly, in many areas which were recently seized from the group remained vulnerable to indiscriminate attacks on civilian populations - such as bombings in marketplaces.’<sup>14</sup>

1.2.11 The UNHCR paper, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, observed (see also original sources cited by the UNHCR) that:

‘In the areas under its control, Al-Shabaab continues to impose a severe interpretation of Sharia law which prohibits the exercise of various types of freedoms and rights, especially affecting women. These include forcing women to wear veils and preventing them from working and travelling without a male relative. Further, Al-Shabaab bans leisure activities such as playing football, listening to music and watching television, which are deemed to be "un-Islamic." Stoning, public whipping, and amputation are meted out as punishment to those who violate Al-Shabaab’s interpretation of Islam.

‘Al-Shabaab also reportedly continues to commit grave abuses against civilians such as killings of prominent peace activists, community leaders, clan elders, and their family members for their role in peace-building, and beheadings of people accused of “spying for” and collaborating with Somali national forces and affiliated militias. Other reported violations against civilians include disappearances, restrictions on civil liberties and freedom of movement and religion, restricting access to humanitarian assistance, rape and other acts of gender-based violence such as forced marriages, as well as conscription and use of child soldiers.

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<sup>12</sup> UN, [Report of the Monitoring Group on Somalia and Eritrea](#) (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013, para11

<sup>13</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence, 22 January 2014](#), p11

<sup>14</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence, 22 January 2014](#), p12

'In areas under the effective control of Al-Shabaab, the group reportedly resorts to widespread abuses to instil fear among the local population... Ill-treatment of civilians by Al-Shabaab is reported to be especially severe in areas where Al-Shabaab is under strain, with an increase in the number of unlawful arrests, detention and executions of non-combatants for alleged spying within territory under the group's control, and generally mounting levels of violence.'<sup>15</sup>

1.2.12 According to the Armed Conflict Location and Event Dataset see comments in paragraph 1.2.34 about the reliability of ACLED data)::

'Civilians remaining within territory controlled by Al Shabaab appear more vulnerable to attacks for alleged spying as the group comes under increasing pressure from Federal Government forces; in the latter, it is important to note that even once the Federal Government has regained territory, the non-combatant population remains exceptionally- if not increasingly-vulnerable to Al Shabaab attacks on soft targets in the wake of the group's departure and reduced operational capacity.'<sup>16</sup>

1.2.13 More detail about Al Shabab including its structure, resources, strategy and records of attacks in the first quarter of 2013 are provided in paragraphs 1 to 28, and in annexes 1 and 2, of the [UN Monitoring Group on Somalia and Eritrea](#) report. For a breakdown of incidents in the year and discussion of Al Shabab tactics and capabilities following the attack on the Westgate Centre in Nairobi see:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Al Shabab: Chronology of events since January 2013](#), updated 10 January 2014.

[Congressional Research Service, The September 2013 Terrorist Attack in Kenya: In Brief, Lauren Bloch Blanchard, 14 November 2013.](#)

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## Security situation in south and central Somalia

### Overview

1.2.14 The UNHCR position paper, 17 January 2014, reporting on events up to 24 December 2013, considering the security situation stated:

'The security situation in some areas of Southern and Central Somalia has improved to some extent in comparison to the situation at the time of issuance of the 2010 Guidelines. However, the situation in Somalia continues to be qualified as a non-international armed conflict. Armed clashes continue outside of Mogadishu and in rural areas in Southern and Central Somalia which remain under Al-Shabaab control. In addition, areas under the control of the SFG, including Mogadishu, are often affected by attacks and other forms of violence.

'As documented by many sources, military operations in Southern and Central Somalia continue to result in civilian casualties, with civilians being killed and wounded by

<sup>15</sup> UNHCR, [International Protection Considerations with Regard to people fleeing Southern and Central Somalia](#), 17 January 2014, 3. The Security Situation and its Impact on Civilians in Areas under Control of Al- Shabaab

<sup>16</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\)](#), [Real-time analysis of African political violence 22 January 2014, p11](#)

crossfire in the context of armed clashes and by improvised explosive devices (IEDs) and grenade attacks.<sup>17</sup>

1.2.15 EJ Hogendoorn, International Crisis Group, in a testimony to the US Congress in October 2013 considered that:

‘Conditions have improved [in Somalia] in the last several years. The African Union Mission for Somalis (AMISOM), now including Kenya, has with the help of Ethiopia, the Somali National Army (SNA), the Sufi Ahlu Sunna wal Jamaa, and various clan militia allies dealt the armed Islamist fundamentalist group Harakat Al-Shabaab al-Mujahedeen (Mujahidin Youth Movement), better known as Al-Shabaab a serious strategic setback by formally ejecting it from Mogadishu, Afgooye, Baidoa, Merca and Kismayo (it still has an underground presence in these cities). Mogadishu, although it continues to be plagued by assassinations and occasionally larger asymmetrical attacks, is more secure; resulting in thousands of residents returning, and a torrent of business investment in the city’s reconstruction (ICG, 8 October 2013).<sup>18</sup>

1.2.16 The UN Independent Expert on the situation of human rights in Somalia observed in August 2013:

‘After more than 20 tortuous years of armed hostilities, which still continue in some areas, Somalia has reached a turning point. While there is still a long way to go to return to normalcy, there are visible signs of change all around. The palpable improvements in the security situation in Mogadishu and in an increasing number of areas in the country is reflected in the return of an impressive number of people from the diaspora, including businessmen lured by the promises that have been made. Both international and United Nations flights to and from Mogadishu are full. Business activities and construction of buildings are on the rise. Though serious concerns remain about the security situation as a result, for example, of clan infighting in Kismayo and Jubaland, there are clear signs of hope in the air.<sup>19</sup>

1.2.17 The UNIE also observed changes in the nature of the conflict and related protection concerns:

[Between September 2012 and July 2013] ... the cessation of armed conflict in Mogadishu was accompanied by the opening of new military fronts in south-central Somalia, which transferred control over the main towns and regional capitals from Al-Shabaab to the Federal Government of Somalia. The changed scenario has resulted in the emergence of new protection concerns for civilians. Before the withdrawal of Al-Shabaab from Mogadishu in August 2011, the major concern was civilians caught in crossfire; the new environment has resulted in displacement due to military operations, increased incidents of sexual violence against women as well as sexual exploitation and abuse, conflict-related detention, targeted assassinations, unlawful killings and the use of improvised explosive devices<sup>20</sup>

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<sup>17</sup> UNHCR, [International Protection Considerations with Regard to people fleeing Southern and Central Somalia](#), 17 January 2014, 3. The Security Situation and its Impact on Civilians in Areas under Control of Al-Shabaab

<sup>18</sup> International Crisis Group, [EJ Hogendoorn: Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward](#), 8 October 2013

<sup>19</sup> UN, [Report of the Independent Expert on the situation of human rights in Somalia](#), Shamsul Bari, 16 August 2013, para 93,

<sup>20</sup> UN, [Report of the Independent Expert on the situation of human rights in Somalia](#), Shamsul Bari, 16 August 2013, para 40,



1.2.18 However, the UN Secretary General (UNSG) cautioned in a letter of 14 October 2013 to the Security Council that there had been a deterioration in the security situation in Somalia during 2013. The UNSG concluded:

‘... that the political progress made over the past year and the military gains against Al-Shabaab that have been achieved in recent years are at serious risk of being reversed... the Somali National Army and AMISOM have now assumed a largely defensive, static posture. All assets currently available are required to protect existing locations and supply routes, which are increasingly vulnerable, as the lull in the offensive has allowed Al-Shabaab space to prepare more ambitious complex attacks. In addition to causing the death of many innocent civilians, including women and children, the deterioration in the security situation threatens to undermine the fragile Somali political process, especially by preventing the Federal Government from undertaking essential tasks of outreach and State-building.’<sup>21</sup>

1.2.19 In his report to the UN Security Council of 2 December 2013, the Secretary General further observed:

‘Somalia continues to make progress towards the expansion and consolidation of State authority, the considerable security and political challenges notwithstanding. The development of State institutions is well under way. In Mogadishu, despite many challenges, the dawn of a new era is abundantly evident, with construction work and social life witnessing an unprecedented resurgence... The gains made notwithstanding, Somalia continues to face considerable security challenges in Mogadishu and the regions beyond. I remain extremely concerned about the loss of momentum in the fight against Al-Shabaab insurgents. Although weakened by internal divisions, Al-Shabaab should not be given respite to recover and regroup.’<sup>22</sup>

1.2.20 Human Rights Watch observed in its 2014 report on the human rights situation in 2013 that:

‘... in government-controlled areas, targeted killings including of traditional elders, civilian officials, and journalists increased and civilians were killed and wounded by crossfire, including during infighting between government soldiers over control of roadblocks... Access to, and information about, Al-Shabaab areas is severely restricted, but credible reports indicate that Al-Shabaab has committed targeted killings, beheadings, and executions, particularly of individuals it accused of spying. Al-Shabaab continues to forcibly recruit adults and children, administer arbitrary justice, and restrict basic rights.’<sup>23</sup>

For information on abuses committed in Al Shabab controlled areas, see above section on [Al Shabab](#), and information about the effectiveness of security forces, see [Actors of protection](#).

## Expansion of AMISOM

1.2.21 The UN Secretary General recommended in his letter of 14 October 2013 to the Security Council that:

‘... in order to attain the minimum security conditions required to support peace consolidation in Somalia, it is essential to further degrade the capacity of the Al-Shabaab

<sup>21</sup> [UN](#), Letter from the Secretary General addressed to the President of the Security Council, 14 October 2013

<sup>22</sup> [UN](#) Report of the Secretary-General on Somalia, 2 December 2013, para 91& 95

<sup>23</sup> Human Rights Watch, [World Report 2014 – Somalia](#), January 2014, Somalia chapter4

insurgency to launch asymmetric attacks. To achieve this, there must be an effective resumption of the military campaign against Al-Shabaab, which would rapidly reduce its capacity to control key strategic locations and thereby its capacity to forcefully recruit, train and finance its operations. In parallel, it will be necessary to improve the capacity of the Somali forces to progressively sustain control of areas recaptured from Al-Shabaab, supported increasingly by the Somali national police and AMISOM formed police units.<sup>24</sup>

1.2.22 On 12 November 2013, the UN Security Council authorized an increase for 18 to 24 months of '... AMISOM's force strength from 17,731 to a maximum of 22,126 uniformed personnel, and decided to expand the logistical support package provided to the force by the United Nations.'<sup>25</sup> On 22 January 2014, Ethiopian forces officially joined AMISOM bringing the force to 22,126 'peacekeepers'.<sup>26</sup>

## Areas of government and Al Shabab control

1.2.23 In its briefing, Returns to South and Central Somalia: A Violation of International Law, 15 May 2013, Amnesty International considered:

'In south and central Somalia, the government, supported by AMISOM, has made gains in dislodging al-Shabab from key towns such as Afgooye, Baidoa and Kismayo. This has led to some changes in the security situation in parts of south and central Somalia. However any improvement is limited to specific towns which the government - with heavy reliance on AMISOM or aligned forces - hold. Their control and influence is weak. Combined with an ongoing lack of discipline, this means that even in areas which the SNAF nominally controls, they provide very limited protection and security for civilians... Regardless of the recent gains of the government, al-Shabab remains in control of large parts of rural areas, and of much of south and central Somalia. Though the government continues to hold key towns, their reliance on AMISOM and Ethiopian forces means that the gains are extremely fragile, and can neither be considered substantial, fundamental, durable or sustainable.'<sup>27</sup>

1.2.24 Reporting in July 2013, the UN Monitoring Group on Somalia and Eritrea, noted:

'Al-Shabaab remains in control of most of southern and central Somalia, including the entire region of Middle Juba, most of Hiran, Bay and Bakol regions and sizeable parts of Galgadud and Lower and Middle Shabelle regions. Multiple factors explain the resilience of Al-Shabaab, including longstanding support from some major clans, the capacity to provide a stable environment for business, livestock farming and agricultural production and the ability to represent for local elders a credible alternative to regional warlordism or to Mogadishu-based institutions, still perceived as a source of instability, violence and corruption.'<sup>28</sup>

1.2.25 The UNHCR position paper of January 2014 noted that '... as of February 2013, some 80 percent of Southern and Central Somalia was reported to fall under Al-Shabaab control, and there have been no major changes in territorial control since then other than the loss

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<sup>24</sup> UN, [Letter from the Secretary General addressed to the President of the Security Council](#), 14 October 2013

<sup>25</sup> UN News Service, [Security Council authorizes temporary boost for African Union force in Somalia](#), 12 November 2013

<sup>26</sup> AMISOM, AMISOM News, [Ethiopian troops formally join AMISOM peacekeepers in Somalia](#), 22 January 2014

<sup>27</sup> Amnesty International, [Returns to South and Central Somalia: A Violation of International Law](#), 15 May 2013,

<sup>28</sup> UN, [Report of the Monitoring Group on Somalia and Eritrea \(MGSE\) pursuant to Security Council resolution 2060 \(2012\)](#), 12 July 2013 paragraph 12

of Xudur in Bakool region, which fell back under control of Al-Shabaab once Ethiopian and Government-aligned forces withdrew in March 2013.<sup>29</sup>

See also section 1.2 of [Danish Immigration Service / Landinfo Fact Finding Mission report of 1 – 15 November 2013](#), released on 3 March 2014, for information on the influence of Al Shabab in Mogadishu

## Security incidents (outside of Mogadishu)

1.2.26 In the period from 16 August 2012 to 15 January 2013, the UN Secretary General reported that:

‘Outside of Mogadishu guerrilla and terrorist tactics were frequently used in the areas recovered from Al-Shabaab, including weekly in Baidoa and Kismaayo and almost daily in the Afgooye and Merka areas. There were reports of abuses by undisciplined elements of the Government forces in Shabelle Hoose. Local antipathy to Al-Shabaab meant that Shabelle Dhexe have suffered relatively few attacks. Attacks have also decreased in Beledweyne, though they still occurred weekly, and there were reports of harassment of civilians and aid agencies in southern Hiraan. Recurring clashes between clan militias in Beledweyne sometimes disrupted aid activities, as did infighting among factions of Ahlu Sunna wal Jama in Galguduud. From August 2012 - January 2013, 157 civilian casualties were caused by improvised explosive devices. Military operations by allied forces in southern and central Somalia also resulted in civilian casualties.’<sup>30</sup>

1.2.27 During February to May 2013, areas of Baidoa, Beledweyne, Kismaayo and Xuddur controlled by the Government suffered attacks almost on a weekly basis. There was a particularly high incidence of attacks in the Afgooye and Marka areas and insurgents also continued to threaten and harass civilians and aid workers operating there. Al-Shabaab adopted a low profile in Shabelle Dhexe and Galguduud, but continued to control much of these territories. The most significant security development outside Mogadishu occurred in Xuddur following the withdrawal of Ethiopian and Somali forces on 17 March. The town was quickly retaken by Al-Shabaab, and at least one civilian was killed and several others were arrested. The seizure of Xuddur marked the insurgents’ first territorial gain in several months and demonstrated the challenge of maintaining control over recovered areas.<sup>31</sup>

1.2.28 In a June 2013 bulletin, UNOCHA reported that the security situation in southern and central Somalia remained volatile and unpredictable. Political and clan tensions simmered in Kismayo following the contested election of the president of Jubaland state on 15 May, and developed into military confrontations in June. Heavy fighting intensified from 7 to 8 June and from 28 to 30 June in particular. The World Health Organization confirmed that at least 71 civilians were killed and about 300 injured over the course of the month. Continuing insecurity has also increased displacement of civilians, limited access to health care and amplified the risk of outbreaks of cholera and other communicable diseases.<sup>32</sup>

1.2.29 Between June and August 2013, the UN Secretary General noted that:

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<sup>29</sup> UNHCR, [International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II, A. 4. The Security Situation and its Impact on Civilians in Areas under Control of Al-Shabaab](#)

<sup>30</sup> UN Report of the Secretary-General on Somalia, 31 January 2013, paras 12, 13 & 37-38, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/69](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/69)

<sup>31</sup> UN Report of the Secretary-General on Somalia, 31 May 2013, paras 13& 15, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/326](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326)

<sup>32</sup> UNOCHA, [Humanitarian Bulletin Somalia: June 2013](#), 15 July 2013

'In the central regions there was no major deterioration in security in Baidoa after the departure of Ethiopian forces. However, guerrilla attacks still occurred weekly ... Near-weekly guerrilla attacks also occurred in Ceel Barde and Xuddur in Bakool region, and Qansaxdheere, Gofgadud and Baidoa in Bay region. There were relatively few incidents in Galguduud or Hiraan regions, despite reports of Al-Shabaab mobilizing there. Further south, the Federal Government, supported by AMISOM, continued its campaign against Al-Shabaab, while tensions among local political actors persisted. Kismaayo remained volatile: of two major violent clashes in June, one resulted in the death of some 70 civilians and the wounding of 300 more. Somali and AMISOM forces faced repeated armed attacks. Late in May, AMISOM deployed a Sierra Leonean contingent in the area, alongside Kenyan troops. The situation in Shabelle Hoose remained volatile, with continuing guerrilla and terrorist attacks, especially in Afgooye and Merca districts. The Federal Government and AMISOM recovered four villages in Janale district on 18 June. In Shabelle Dhexe, a surge in clan-based conflict resulted in several civilian casualties in Jawhar district late in May and in June.'<sup>33</sup>

1.2.30 The UNSG in his report covering the period 16 August to 15 November 2013 observed that an increase in criminal activities was observed during the reporting period, including the establishment of illegal checkpoints, robberies and extortion of drivers and owners of public transportation vehicles. In addition, abuses against civilians by undisciplined elements of the Somali national security forces were reported, mainly on the outskirts of Mogadishu and Kismaayo:

'The situation in Kismaayo remained volatile. On 12 September, Ahmed Madobe survived an assassination attempt from an explosive-laden vehicle that hit his convoy, causing more than 30 casualties, including 20 civilians, mostly as a result of the ensuing gunfire by his security guards. ... Clashes between Al-Shabaab and the Somali national security forces, AMISOM and other pro-Government groups were regularly reported in Bakool, Bay and Gedo. In Bakool, Al-Shabaab also succeeded in temporarily taking over the town of Quracjome, east of Ceel Berde, from the Somali national security forces twice in late August. Fewer incidents were reported in Galguduud and Hiraan. Forces of AMISOM and the Federal Government recovered the towns of Mahadday and Biya Adde, north of Jawhar (Shabelle Dhexe) on 19 and 20 September. Shabelle Hoose remained unstable and the main hub of Al-Shabaab activities, with guerrilla and terrorist attacks reported almost daily, in particular in Afgooye and Marka districts.'<sup>34</sup>

1.2.31 UNOCHA reports that an outbreak of inter-communal fighting in early November in Jowhar displaced an estimated 3,000 households and hampered access to those in need.<sup>35</sup> In December 2013, the UN Special Representative of the Secretary-General for Somalia reported that, 'Violent clashes in several parts of Somalia could threaten the country's progress towards peace and stability as well as the rights of thousands of affected citizens ... Clashes have been reported near Jowhar in Middle Shabelle, some areas around Beledweyne in Hiraan and around K50 in Lower Shabelle ... The clashes continue to cause death, injury, displacement and the destruction of property and crops in the fields. Those affected often come from smaller, or minority, clans and communities.'<sup>36</sup>

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<sup>33</sup> UN, Report of the Secretary-General on Somalia, 3 September 2013, paras 16-17, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2013\\_521.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf)

<sup>34</sup> UN Report of the Secretary-General on Somalia, 2 December 2013, paras 16-17

<sup>35</sup> UNOCHA, [Humanitarian Bulletin Somalia, November 2013, 15 December 2013](#)

<sup>36</sup> [UN Assistance Mission in Somalia, UN Special Representative concerned over local conflicts in Somalia, 18 December 2013](#)

### 1.2.32 The UN Secretary General report covering 16 November 2013 to 15 February 2014 observed

'13. In southern and central Somalia, periodic clashes occurred between Al-Shabaab and the Somali National Army, who was supported by AMISOM, the Ethiopian National Defence Force, and pro-Government militias in the Bay and Gedo regions, particularly in and around Baidoa, Qansaxdheere, Gofgadud, Awdinle, Faxfaxdhuun and Garbahaarey. On 8 January, an airstrike by Kenya Defence Force jets reportedly killed eight Al-Shabaab insurgents near Garbaraahey. Fewer incidents were reported in Bakool, which remains almost entirely under the control of Al-Shabaab.

'14. Kismaayo remained unstable owing to continued activities of Al-Shabaab and sporadic outbursts of violence between rogue forces of the Interim Juba Administration and clan militias. On 5 December, the convoy of the Interim Juba Administration President, Mr. Ahmed Madobe, was hit by a roadside bomb, resulting in one casualty. AMISOM forces faced repeated probing attacks in other areas of Juba Hoose, particularly in Afmadow, and along the Taabta-Dhobley road.

'15. In Shabelle Hoose, Al-Shabaab launched almost daily attacks against AMISOM and Somali military targets. On 15 January, Al-Shabaab launched an ultimately unsuccessful attack on positions of the Somali National Army in Burane and Mahadday Weym. On 26 January, an unmanned drone hit an Al-Shabaab convoy in the Baraawe district, reportedly killing a senior commander. The situation deteriorated with renewed inter-clan rivalries. A clash between the Biyo Mal and Habargidir clan militias on 16 November triggered a series of retaliatory incidents in the Afgooye and Marka districts, resulting in over 20 fatalities and additional injuries. There were also sporadic clashes between the Abgal and Shidle communities in the Jawhar district, Shabelle Dhexe, in late November. However, a ceasefire mediated by local clan elders and the Federal Government of Somalia with local representatives ended the hostilities in early December.

'16. Galguduud remained quiet, whereas the security situation in Hiraan deteriorated. On 19 November, Al-Shabaab insurgents carried out a complex attack against the central police station in Beledweyne, in which 24 Somali police officers and one AMISOM soldier were killed, and several others were injured. Following the attack, AMISOM forces conducted extensive operations, recovering villages in the outskirts of Beledweyne, but continued to face attacks by Al-Shabaab.<sup>37</sup>

See also section 3 of the report of the [Danish Immigration Service and Landinfo Fact Finding Mission of November 2013](#).

## Casualties

1.2.33 UNHCR noted that, 'The armed conflict in Somalia continues to lead to civilian casualties. Nevertheless, accurate civilian casualty figures are difficult to ascertain, largely due to continued insecurity and a reported lack of political will to prioritize tracking.'<sup>38</sup>

1.2.34 **Specifically in regard to ACLED data, this should only be considered an indication, not as fact, to the number of fatalities (the source does not distinguish between combatants and civilians) and events in Somalia. It is possible that there is either**

<sup>37</sup> UN, [Report of the Secretary General](#), 3 March 2014, paras 13 to 16

<sup>38</sup> [UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014 II, A. The Security Situation and its Impact on Civilians](#)

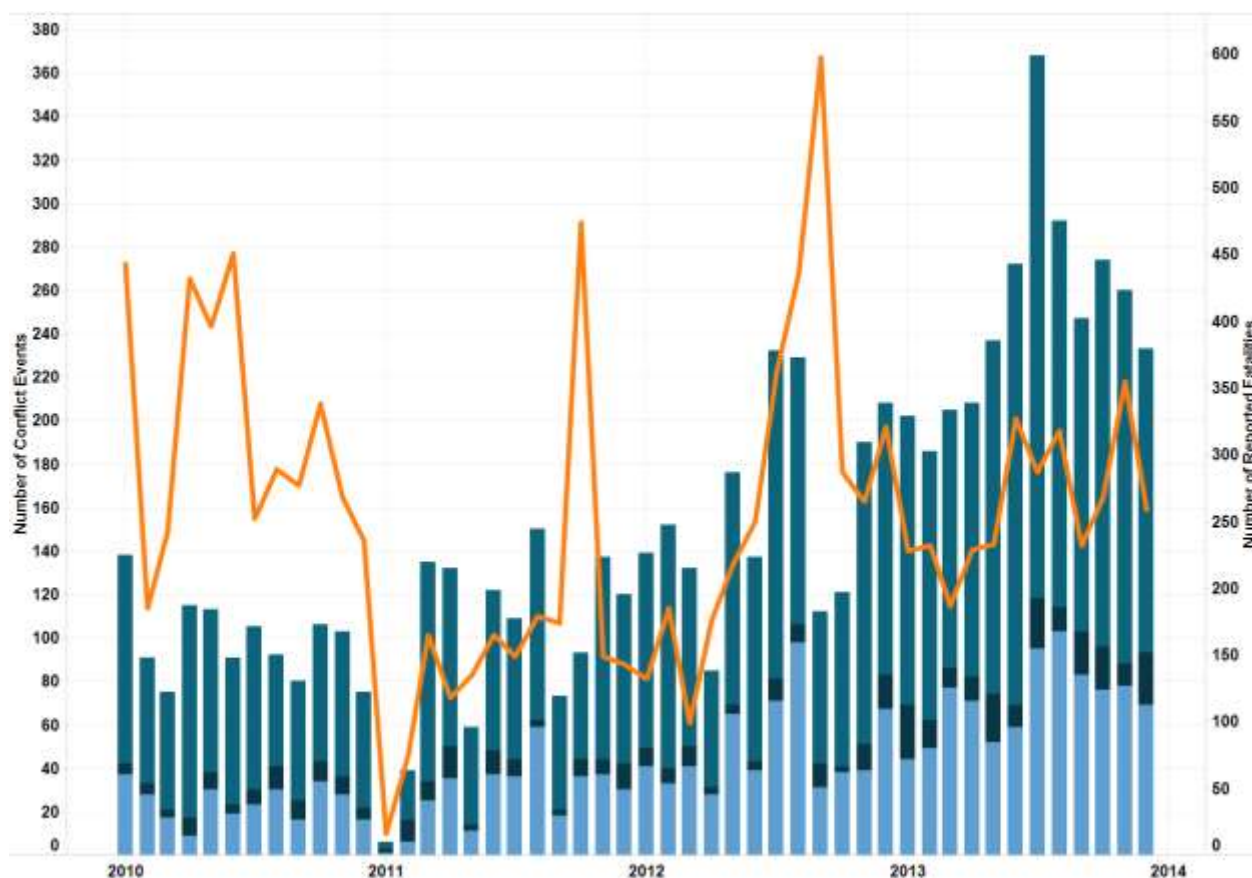
under or over-reporting. ACLED is unable to verify information obtained from the sources it obtains material (media and NGOs) and makes a number of assumptions in collecting and collating its data which may distort the trends presented:

**'If records from sources differ or a vague estimate is provided, the lowest number of fatalities is reported. However, if reports mention several, many, or plural 'civilians' and 'unknown' and no other reference, this is recorded as '10'. If report mentions dozens, this is recorded as '12'. If report mentions hundreds, this is recorded as '100'. If a note mentions 'massacres', a default number of 100 fatalities is recorded. for example assuming a report of a 'massacre' equates to 100 fatalities, and is unable to verify the material provided by sources.'**

**'If summarized fatalities are reported, but events occurred across several days or in multiple locations simultaneously, total number is divided and that fraction is recorded for each day of the event (if over 1). If an odd number, the proportion of fatalities is divided by assigning the first day the additional fatality and distributed as evenly as possible.'**

**'No information for number of harmed people is recorded in any other space besides the notes column.'**<sup>39</sup>

1.2.35 Armed Conflict Location and Event Dataset, which aims to map security incidents in Africa based on information from a range of sources, produced the graph entitled, Conflict Events by Type and Reported Fatalities, Somalia, January 2010 - December 2013, in January 2014:



<sup>39</sup> Armed Conflict Location and Event Data Project (ACLED), [Codebook 3](#), Released in 2014, p17  
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Key:

Light blue = Violence against civilians

Black = Riots/Protests

Dark blue = Battles

Orange line = Number of reported fatalities<sup>40</sup>

1.2.36 ACLED reported a 50% increase in conflict event levels from 2012 to 2013, from 2,000 to 4,000 conflict 'events':

'Levels of conflict have been persistently high in Somalia since 2006, but 2013 represents a very significant marginal increase over previous years. Nevertheless, the intensity of conflict appears to have reduced somewhat, with reported fatalities dropping slightly over the course of the year. While event levels reach[ed] a historic peak in 2013, reported fatalities have remained relatively low and stable over the course of the year, following a peak in September 2012 when fierce fighting preceded the battle between Federal Government-allied forces and Al Shabaab for the control of the southern port city and former headquarters of the group, Kismayo.'<sup>41</sup>

1.2.37 The International Committee of the Red Cross (ICRC) provided data on the number of 'weapon-wounded admissions' admissions to hospitals that supported in Somalia. Most admissions documented were to Keysaney and Medina hospitals in Mogadishu, which declined between 2010 to 2012 (also to note the ICRC supported more hospitals in 2010 than in subsequent years):

2010 – 7,029 (16 hospitals; 'Most patients (over 6,000) were treated at Mogadishu's two ICRC-supported referral hospitals: Keysaney (run by the Somali Red Crescent) and Medina (community-run).'<sup>42</sup>

2011 – 5,400 (11 hospitals; '... Some 4,000 of them were treated at Mogadishu's two ICRC-supported referral hospitals: Keysaney (run by the Somali Red Crescent) and Medina (community-run).'<sup>43</sup>

2012 – 2,503 (11 hospitals; '[t]he majority of these medical interventions took place at the Keysaney (National Society-run) and Medina (community-run) hospitals (90 and 150 beds respectively) in Mogadishu.'<sup>44</sup>

## Mogadishu

### Nature and level of violence: 2013

1.2.38 The UN Independent Expert on the situation of human rights in Somalia reports in August 2013 that:

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<sup>40</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence](#), 22 January 2014, p11

<sup>41</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence](#), 22 January 2014, p11

<sup>42</sup> International Committee of the Red Cross, [Annual Report 2010](#), Somalia, June 2011, p172 and 174

<sup>43</sup> International Committee of the Red Cross, [Annual Report 2011](#), Somalia, June 2012, p151 and 153

<sup>44</sup> International Committee of the Red Cross, [Annual Report 2012](#), Somalia, June 2013

‘... The palpable improvements in the security situation in Mogadishu and in an increasing number of areas in the country is reflected in the return of an impressive number of people from the diaspora, including businessmen lured by the promises that have been made. Both international and United Nations flights to and from Mogadishu are full. Business activities and construction of buildings are on the rise. Though serious concerns remain about the security situation as a result, for example, of clan infighting in Kismayo and Jubaland, there are clear signs of hope in the air.’<sup>45</sup>

1.2.39 Following the August 2011 withdrawal of Al Shabaab insurgents from Mogadishu to early 2013, security improved allowing for the gradual resumption of government functions but sporadic suicide attacks, conflict-related population displacement and socio-economic problems persisted.<sup>46</sup> On a fact finding mission in April and May 2013, the Danish Immigration Service/Landinfo were informed by an international agency that there had been a significant improvement in security in Mogadishu as well as in the rest of south and central Somalia since October 2012. Gunshots and grenade attacks decreased in number. Elman Peace and Human Rights Centre, Mogadishu, explained that there was no shelling and no fighting with heavy arms any longer. Al Shabaab does not deliberately target groups of civilians. According to representatives of an international agency in Mogadishu, the people of Mogadishu are feeling much more comfortable today than for many years. Regarding improvement in security in Mogadishu and its surroundings a UN agency, Nairobi, stated that the last 15 months (circa January/February 2012 to April/May 2013) have been positive, there has been a lot of improvement particularly in Mogadishu. However an international NGO noted that a main concern was that the SNG and AMISOM had not been able to completely eliminate Al Shabaab’s influence in Mogadishu and that the group was still capable of undertaking terrorist attacks, but ‘Al Shabab does not deliberately target civilians’.

1.2.40 In the DIS/Landinfo April/May 2013 report, it was noted by a representative of a UN agency that at that time it was able to go by road all the way up to Afgoye and spend the day in the area before returning to Mogadishu on the same day. However, killings take place from time to time in Mogadishu, and the overall context in Somalia is still fragile, in spite of the security improvements and progresses that have been made since August 2011. While the UN Department of Safety and Security (UNDSS) stated that from a UN point of view there has been a gradual improvement regarding security since early 2012 and UN threat and risk levels for Mogadishu have gone down. Regarding the threat of terrorism UNDSS stated that Al Shabaab is still present in Mogadishu as well as across Somalia, but it has no capacity to undertake conventional warfare in Mogadishu, and there is no longer a frontline in the city.<sup>47</sup> In his report of 31 May 2013, covering events between February and May, the UN Secretary General noted that:

‘... Al-Shabaab continued to launch asymmetrical attacks on soft targets using terrorist tactics that often resulted in civilian casualties. Targeted killings and attacks were routinely reported, while the number of incidents involving improvised explosive devices rose in 2013 in comparison with 2012. Incidents such as the suicide bombings targeting Prime Minister Shirdon in Villa Somalia on 29 January and the head of the National Security Intelligence Agency for Banadir, which killed 10 people on 18 March, showed Al-Shabaab’s continued intent and capability to attack government and soft targets. On 14

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<sup>45</sup> [UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, section B, paragraph 93](#)

<sup>46</sup> IRIN, Briefing: In Somalia, relative peace belies rocky road ahead, 26 March 2013, <http://www.irinnews.org/Report/97734/Briefing-In-Somalia-relative-peace-belies-rocky-road-ahead>

<sup>47</sup> Danish Immigration Service/Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#) Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 16 April to 7 May 2013, May 2013, 1.6 Security improvements in Mogadishu ps18 – 21,



April, more than 30 people died in a complex attack perpetrated by Al-Shabaab on a regional court house... On the same day, a vehicle likely to be that of a suicide bomber hit a Turkish aid agency convoy. On 25 April, a Deputy State Attorney was murdered in Mogadishu, while, on 5 May, a suicide vehicle that targeted a Qatari delegation travelling in a ministerial convoy killed over 10 people... Government forces were also alleged to have participated in numerous extrajudicial killings in Mogadishu in March.<sup>48</sup>

1.2.41 During May to August 2013, according to the UN Secretary General, the security situation remained extremely volatile with a surge in violent attacks in Mogadishu: the number of hand grenade attacks in May and June doubling compared to the start of the year, and there were three times as many bombings in June as in January 2013. Targeted killings occurred almost daily and there were at least four mortar attacks. The reporting period saw a direct attack by Al Shabaab on the United Nations in Mogadishu, and a surge of asymmetric attacks during the month of Ramadan (9 July to 7 August). This followed reports of upheaval in the leadership of Al Shabaab.<sup>49</sup> During July 2013 UNOCHA reported a '... string of attacks in and around Mogadishu by armed militia resulting in several deaths and injuries. Due to the prevailing fragile situation in the capital, security of aid workers remained a serious concern and only critical humanitarian missions were conducted.'<sup>50</sup>

1.2.42 Amnesty considered in a September 2013 briefing that:

'Security improvements in Mogadishu have been extremely limited in scope. The security situation is volatile with varying intensity between areas and times of day, and has deteriorated during the course of 2013 ... In Mogadishu there is ongoing violence through both indiscriminate and targeted attacks. Civilians continue to face extreme insecurity, characterized by physical violence, killings, rape and extortion. Government forces and aligned militia are failing to protect the civilian population from abuse, and some members of these forces are themselves responsible for violations and abuses, in part as a result of poor discipline and weak command control. This, and the extremely limited capacity of the Somali National Armed Forces (SNAF) which relies heavily on the African Union Mission to Somalia (AMISOM), renders them incapable of providing protection and security to civilians. Al-Shabab continues to dictate the security context in Mogadishu. They retain influence over various actors and individuals, and despite losses suffered in late 2011 and early 2012, when they were pushed out of key towns by AMISOM and Transitional Federal Government (TFG) forces, al-Shabab have managed to regain capacity and continue to carry out direct attacks on civilians and indiscriminate attacks using suicide bombs, improvised explosive devices (IED) and grenades in Mogadishu. Security gains made in the last years have been setback and have deteriorated throughout the year [to September].'<sup>51</sup>

1.2.43 According to the UN Secretary General, between August and November 2013:

'.. the security situation in Mogadishu remained relatively unstable ... The African Union Mission in Somalia (AMISOM) and the Somali national security forces continued to thwart Al-Shabaab attacks almost daily in and outside Mogadishu. In a significant incident on 3 September, Al-Shabaab claimed responsibility for an attack on a convoy of the Federal Government that was carrying security personnel in connection with the visit by the President of Somalia to the southern port city of Marka. On 4 September, a string

<sup>48</sup> UN [Report of the Secretary-General on Somalia](#), 31 May 2013, para 11, 12 & 15

<sup>49</sup> UN [Report of the Secretary-General on Somalia](#), 3 September 2013, para 12, 14 & 15

<sup>50</sup> UNOCHA [Humanitarian Bulletin July 2013](#), issued on 15 August 2013

<sup>51</sup> Amnesty International, [Somalia: Mogadishu cannot qualify as an internal flight alternative](#), 26 September 2013,

of coordinated explosions occurred in all districts of Mogadishu and, on 7 September, a suicide bombing attack against a popular restaurant near Villa Somalia killed 15 people and injured more than 20 others. Small-scale attacks and targeted assassinations also continued. On 8 November, two bombs exploded at the Maka Al Mukaramma Hotel in Mogadishu, killing at least four people and wounding more than a dozen, including a member of parliament. Al-Shabaab claimed responsibility for the attack. On 21 September, the Al-Shabaab attack on the Westgate shopping mall in Nairobi showed that Al-Shabaab increasingly poses a regional and international threat. Abuses against civilians by undisciplined elements of the Somali national security forces were reported, mainly on the outskirts of Mogadishu and Kismaayo.<sup>52</sup>

1.2.44 The report of the Danish Immigration Service / Landinfo Fact Finding Mission of November 2013 (DIS/Laininfo FFM) on security in Mogadishu noted:

‘UNDSS explained that the outskirts of Mogadishu remain prone to different types of guerilla and terrorist attacks. There are still some hit and run actions against AMISOM positions in Daynile, Hurriwa and Dharkenley. But these are probably carried out by groups staying there rather than movements of al-Shabaab fighters coming from other areas of Somalia.

‘An international NGO (C) explained that security must be seen at two levels. There is a general security situation which affects everyone in Somalia. This situation is due to the fact that the government is not in full control and in addition there are internal political issues which are causing specific challenges. However, the security situation has improved since April 2013 in certain areas of S/C Somalia.

‘The international NGO (C) stated that on the other hand, there are the security related issues which directly affect all government people, government affiliates, international employees, contractors who deal with the international community and UN staff as well as many others. As long as al-Shabaab is around this security situation will continue. Although al-Shabaab is not in control of any part of Mogadishu it can still reach all over the city. Thus, there are no safe places in Mogadishu. This situation is not going to change unless the government strengthens security. The targeted killings continue and there are criminal actions as well.

‘According to an international NGO (A) there have been ups and downs in the security situation, during the last four months [up to mid-November 2013] the situation has been relatively quiet, but recently there has been an increased number of security incidents, and most of these are targeted killings which could be possibly clan related. The international NGO (A) also believed that there is a connection between criminality and clans.

‘The international NGO (A) explained that the security situation in Mogadishu has been gradually changing during the last two years and overall the situation is better, but better does not mean good. You take two steps forward and one back, so improvements are very gradual and the situation is fragile.

‘Asked to comment on the situation in the outskirts of Mogadishu, for instance Daynile where al-Shabaab has an influence, an international NGO (A) explained that the security situation compared to one year ago (November 2012) has improved, but it is still fluid and it is difficult to directly quantify how it is changing. To exemplify the international NGO (A) referred to the efforts in relocating IDPs to Daynile district which is a priority for

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<sup>52</sup> UN Security Council, [Report of the Secretary-General on Somalia](#), 2 December 2013, paras 10-11

the government. In order to relocate, the authorities have to ensure the security for the IDPs in the new location. However that requirement has not been fully met. Basically security is about having the police officers staying at the police station in the area during nighttime. But the police officers do not feel safe in the area, even though this is the safer part of Daynile district and in spite of assurances from the government and the priority of the matter, the relocation has not been able to take place. The international NGO (A) added that there may be improvements in this situation in early 2014 as per new agreements with the government.

‘Concerning the current developments in Mogadishu a well-informed journalist in Mogadishu stated that things are not going as well as before, i.e. before April 2013. The hope is not dead, but the government is incapable to do anything and AMISOM says it does not have the resources to expand its activities. In addition employees at the government’s ministries have not been paid for the last three months [as of mid-November 2013].

‘When asked if the security situation in Mogadishu has changed during the last six months [from May to November 2013] a well-informed journalist in Mogadishu stated that he did not think so, and stated that the security situation has not undergone any deterioration during this period. There is more reason to be concerned about the most recent political developments. [See above].

‘When asked if some areas or districts of Mogadishu are safer than others a well-informed journalist in Mogadishu explained that every area or district is dangerous. Al-Shabaab will target any location it considers to be westernized. This is especially the case of Lido Beach and some restaurants. Hawl Wadag, Hurriwa and Bakara market and other outskirts of Mogadishu are also target areas for al-Shabaab. Actually, al-Shabaab will undertake attacks anywhere it finds it relevant in Mogadishu. Al-Shabaab can strike anywhere at any time and at any location.’<sup>53</sup>

See also section 1.3 from the [DIS/Landinfo FFM report](#) released in March 2014

#### 1.2.45 UNHCR position paper of January 2014, based on source information up to 24 December 2013, observed:

‘As additionally emphasized by the UN Secretary General, security remains extremely volatile and despite Mogadishu being reported to be under control of the Somali Federal Government (SFG), there has been a surge in violent attacks in the capital in 2013... Mogadishu has been nominally under the control of government forces, supported by AMISOM, since August 2011. While the security situation in Mogadishu has improved since then, with a reduction of open conflict and signs of a resumption of economic activity in the city, Al-Shabaab retains the ability to stage lethal attacks even in the most heavily guarded parts of the city, with civilians reportedly bearing the brunt of its attacks. The SFG is reported to be failing to provide much of its population with basic security. Thus the reality on the ground, as reported by observers, remains that civilians are injured and killed every week in targeted attacks by gunmen, or attacks by IEDs and grenades.

‘A number of these attacks, often claimed by Al-Shabaab, have targeted government institutions as well as public places frequented by civilians, such as restaurants and hotels. Markets are amongst the places often attacked... Such places are believed to

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<sup>53</sup> Danish Immigration Service / Landinfo Fact Finding Mission, [Update on security and protection issues in Mogadishu and South-Centra Somalia](#), conducted between 1 – 15 November 2013, released March 2014, p 9-10  
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have attracted Al-Shabaab's adverse attention because activities in public spaces in SFG-controlled areas are an indication of a certain level of normalcy in daily life. Even when a specific individual appears to be the target of the attack, the number of civilian casualties unrelated to the person who is the target of the attack is often high.'

'Reports indicate that in 2013 attacks by Al-Shabaab were on the increase in Mogadishu and became more sophisticated... Bystanders and persons associated with or in the vicinity of "high level targets", including family members, bodyguards, drivers or other personnel or members of the household, are at risk of being casualties of attacks directed at these targets. Even though there was less outright fighting in Mogadishu in 2013 compared to previous years, the toll of injured and dead civilians from grenade attacks and bombings reportedly went up in 2013... In addition, targeted killings / assassinations are reported to have continued.

'Analysts suggest that the current operational capacity of Al-Shabaab and other armed groups in Mogadishu is evidenced not only by high-profile attacks such as suicide bombings, but also through reports of general intimidation and abuse, harassment, forced recruitment of civilians and more permanent infiltration in some of the capital's neighbourhoods and districts. In addition to attacks by Al-Shabaab in Mogadishu, a very high level of violence is reportedly perpetrated by unidentified armed groups. Most of the violence perpetrated by unidentified armed groups is reported to be sporadic, low-grade targeting of civilians and soldiers. Reports indicate that the assailants are ideologically – though not formally – aligned with the Al-Shabaab agenda, or that of smaller, localized militia leaders. Further, a reported lack of authority, discipline and control of government forces and allied armed groups means that government forces often fail to provide protection or security for civilians and are themselves a source of insecurity. Security agencies, such as the police and intelligence services, are, according to reports, frequently infiltrated by common criminal, radical, or insurgent elements.'<sup>54</sup>

1.2.46 In December 2013, at least 11 people, including six soldiers, were killed by a remote-controlled bomb in a restaurant near to a military base in Daynile district, Mogadishu.<sup>55</sup>

#### Nature and level of violence: 2014

1.2.47 The UN Secretary General report covering the period 16 November 2013 to 15 February 2014 noted that:

'The security situation in Mogadishu remained volatile. Al-Shabaab continued to use both guerrilla and terrorist tactics, which often resulted in civilian casualties, to undermine the Federal Government of Somalia and intimidate international partners. Armed attacks against the African Union Mission in Somalia (AMISOM) and the Somali National Army took place almost weekly. In the outer districts of Mogadishu, small-scale attacks, particularly targeted assassinations, occurred almost daily. Some violence is likely to be criminal or clan related.'<sup>56</sup>

1.2.48 UNOCHA reported in January 2014 that "The security situation remained volatile and unpredictable in parts of the country, including in the capital. The beginning of the year

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<sup>54</sup> UNHCR, [International Protection Considerations with Regard to people fleeing Southern and Central Somalia](#), January 2014, p4-6

<sup>55</sup> BBC News, [Somali soldiers killed in Mogadishu blast](#), 27 December 2013

<sup>56</sup> UN, [Report of the Secretary-General on Somalia](#), 3 March 2014, paragraph 10

was marked by an attack at the Jazeera hotel in Mogadishu causing numerous casualties'.<sup>57</sup> According to a police commander 11 were killed and 18 wounded.<sup>58</sup>

1.2.49 Two car bombs were reported to have exploded on 5 February in Mogadishu, killing one person and injuring five, including a government official.<sup>59</sup> Another car bomb on 13 February was reported to have killed at least six people. The attack targeted a United Nations convoy close to Mogadishu's heavily-fortified international airport.<sup>60</sup> A further car bomb and firefight outside the presidential palace on 21 February left at least two senior officials and nine attackers dead.<sup>61</sup> On 27 February, '[a] suicide car bomb has exploded in the Somali capital, Mogadishu, killing at least 12 people and wounding eight others near the security service headquarters... There has been an increase in violence in Mogadishu in recent weeks, including night-time mortar raids and daytime clashes between the security forces and al-Shabab.'<sup>62</sup>

## Casualties

1.2.50 There are no reliable statistics available on the numbers of casualties from the conflict given the limits placed on human rights monitoring bodies to document incidents in the current security situation. Those figures that are available may under or over report the number of incidents and/or casualties, and may apply inconsistent definitions in identifying numbers of casualties. **In regard to limitations of ACLED data, see paragraph 1.2.34 above.**

1.2.51 The UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) noted that in the first four months of 2013, civilian casualties treated in the four main referral hospitals in Mogadishu decreased by 33%, compared with the same period in 2012, according to the World Health Organization. Despite the improvement, more than 1,500 weapon-related injuries (including three children under five) were treated in these hospitals. 22 deaths were registered, although the number of deaths on site is unknown.<sup>63</sup> The UN Secretary General noted in his report covering the period 16 August to 15 November 2013 that 'More than 600 civilians with weapons-related injuries were treated at hospitals supported by the World Health Organization in Mogadishu....'<sup>64</sup>

1.2.52 A graph released in the Somalia Humanitarian Bulletin December 2013 charting the number of weapons related injuries treated at four major hospitals in Mogadishu based on World Health Organisation data indicated a decline in injuries in 2013 from 2012. The data for 2013 also indicate a spike in incidents during Ramadan (July and August), also observed by the UN Secretary General (see paragraph 1.2.41 above):

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<sup>57</sup> [UNOCHA, Humanitarian Bulletin Somalia, December 2013, 17 January 2014](#)

<sup>58</sup> [Agence France Presse, Somalia twin bombing toll rises to 11: police, 2 January 2014](#)

<sup>59</sup> Reuters, [Two car bombs explode in Somali capital, at least five wounded](#), 10 February 2014

<sup>60</sup> Agence France Presse, [At least six dead as Shebab target UN convoy at Mogadishu airport](#), 13 February 2014

<sup>61</sup> BBC News, [Somali presidential palace: 'Car bomb' attack in Mogadish](#), 21 February 2014

<sup>62</sup> BBC News, [Somalia's Mogadishu city hit by car bomb blast](#), 27 February 2014

<sup>63</sup> UNOCHA, [Humanitarian Bulletin: Somalia April 2013](#), 10 May 2013,

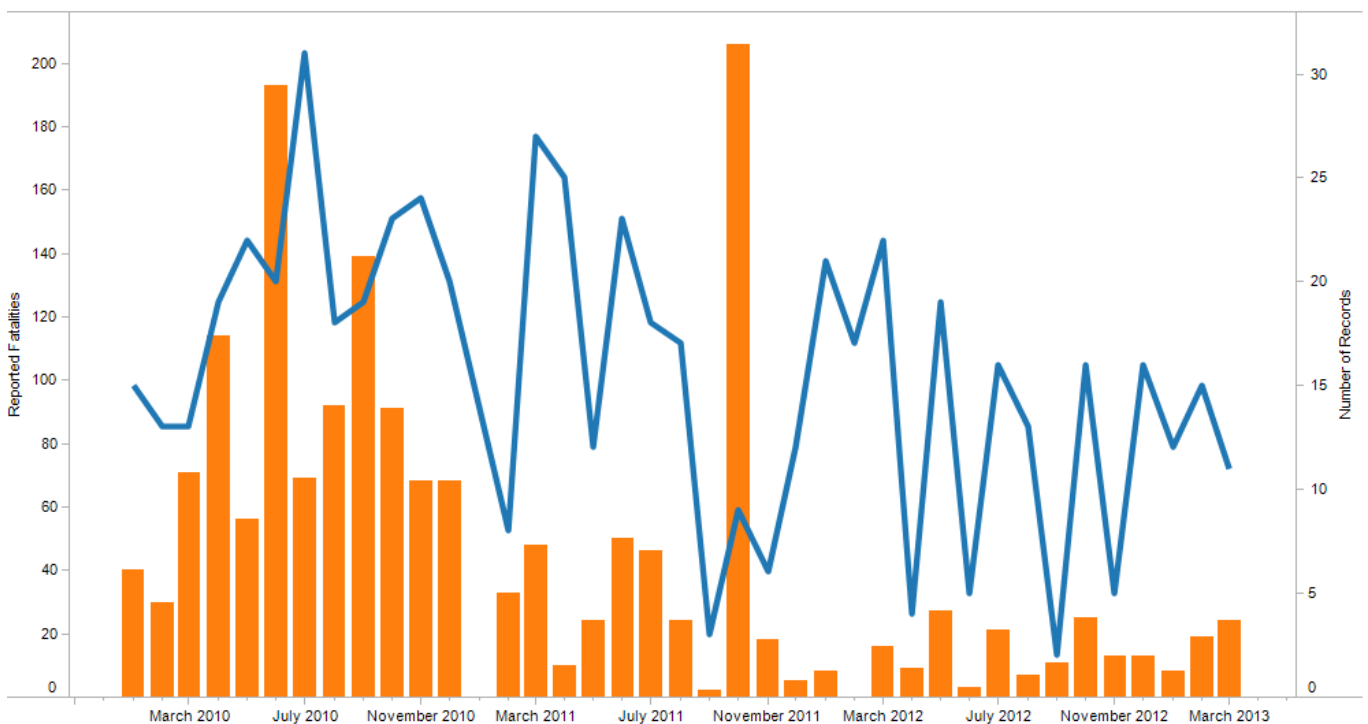
<sup>64</sup> [UN Report of the Secretary-General on Somalia](#), 2 December 2013, para 61



Source: WHO

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1.2.53 ACLED (see comment on ACLED data in paragraph 1.2.34 above) in its April 2013 report on Somalia produced the following graph, Al Shabaab Events and Reported Fatalities, Banaadir Region, Somalia, 2010 - March 2013. The Banaadir region includes Mogadishu. The orange bars represent reported fatalities; the blue line the number of 'events':



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1.2.54 ACLED (see comment on ACLED data in paragraph 1.2.34 above) noted that Al Shabab's change to guerrilla-style tactics against civilian and military targets reflected:

'... the group's reduced organisational capacity: Al Shabaab could no longer mount the kind of sustained campaign it employed when it was expanding its territorial control, nor when it was defending its positions in and around Mogadishu as recently as 2010 / 2011.

<sup>65</sup> UNOCHA, [Somalia Humanitarian Bulletin December 2013](#), 17 January 2014

<sup>66</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence](#), April 2013, p3

With reduced forces and capacity, however, the group can still have a significant destabilising effect... while the federal government has made significant progress in formally ousting Al Shabaab authorities throughout the South Central region, Al Shabaab operatives and aligned militants remain active in recently seized territory... and in the capital, Mogadishu. While Al Shabaab attacks and fatalities in the capital have been declining since the AMISOM-led campaign to regain the capital (see Figure 3 [graph above]) they continue to be a presence in Heliwa, Yaqshid, Wardighley and Daynile areas [of Mogadishu] in particular.<sup>67</sup>

## Targeted killings

See subsection on Al Shabab for information about the group's tactics, methods of attack, and targets.

1.2.55 According to interlocutors in the October 2012 DIS/Laindinfo fact finding mission, the targets of attacks and threats by Al Shabab and others in Mogadishu included journalists, Members of Parliament, AMISOM, the international community, NGOs, human rights defenders, aid workers, business people, people who are in the public eye and those affiliated to the government or UN.<sup>68</sup> The April 2013 DIS/Laindinfo fact finding mission report identified Somali National Forces/police, government officials and institutions, UN staff and Al Shabab defectors as targets. The UN Department of Safety and Security, observed that there were (as of April/May 2013) several targeted killings each week and at least four to five weekly hand grenade attacks in Mogadishu, three quarters of which were assessed as being by Al Shabaab. Regarding targeted killings of for instance business people, which currently take place on average at least several times a week, such assassinations could be undertaken by anyone who can pay for this.<sup>69</sup> An international NGO told the DIS/Laindinfo FFM of November 2013 that 'there are many assassinations in Mogadishu, some of which are settling of personal scores while others are political.'<sup>70</sup> In addition a 'Diaspora researcher in Mogadishu' told the mission that '... al-Shabaab was not necessarily responsible for all the incidents during the Mogadishu conference [i.e. the Jubbaland Reconciliation Conference which took place in Mogadishu in early November 2013] but it might rather have been political rivals within the country wanting to show that Mogadishu was not safe.' While another international NGO '... explained that the security incidents in Mogadishu are not only the works of the al-Shabaab. It might just as well be other actors. It could just as well be disgruntled people or people who are settling scores.'<sup>71</sup> The same NGO also told the mission that it '... believed that numerous security incidents in Mogadishu are clan related. It was added that the majority of security incidents, apart from the throwing of hand grenades, are killings and most of these are probably clan and politically motivated.'<sup>72</sup>

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<sup>67</sup> Armed Conflict Location and Event Dataset (ACLED), [Conflict trends \(no. 22\), Real-time analysis of African political violence](#), April 2013, p3

<sup>68</sup> Danish Immigration Service/Laindinfo, [Update on security and human rights issues in South-Central Somalia, including in Mogadishu Joint report from the Danish Immigration Service's and the Norwegian Laindinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia January 2013](#), 2.2.7 Persons at risk of targeted attacks and threats by al-Shabaab and others, page 34,

<sup>69</sup> Danish Immigration Service/Laindinfo, [Security and protection in Mogadishu and South-Central Somalia Joint report from the Danish Immigration Service's and the Norwegian Laindinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 16 April to 7 May 2013, May 2013](#), 1.6 Security improvements in Mogadishu, pages 11-12

<sup>70</sup> Danish Immigration Service/Laindinfo, [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p15

<sup>71</sup> Danish Immigration Service/Laindinfo, [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p20

<sup>72</sup> Danish Immigration Service/Laindinfo, [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p36

1.2.56 The UN Independent Expert also noted that Al Shabaab has targeted politicians and ‘... has publicly announced that members of the new Parliament are lawful targets. It has reportedly executed individuals perceived to be supportive of the Federal Government or AMISOM, often on suspicion of “spying”. Killings in such cases were carried out through public executions that followed public court hearings... Targeted killings of civilians continued in Mogadishu. According to a Department of Safety and Security report, a total of 174 targeted assassinations took place between September and December 2012. Of those,<sup>63</sup> took place in Mogadishu, with 26 likely to be Al-Shabaab related.’<sup>73</sup> The UNHCR position paper, 17 January 2014, noted that targeted killings occurred almost daily and security incidents in Mogadishu included targeted killings of journalists, judiciary and government officials and others. A number of attacks in Mogadishu, often claimed by Al-Shabaab, have targeted government institutions as well as public places frequented by civilians, such as restaurants and hotels.<sup>74</sup> In government-controlled areas generally ‘... targeted killings including of traditional elders, civilian officials, and journalists increased. The perpetrators are frequently unknown, although Al-Shabaab is often believed to be responsible.’<sup>75</sup>

See also section 1.9 of the report of the [Danish Immigration Service and Landinfo Fact Finding Mission of November 2013](#) on targets of attacks. For information about reported incidents related to Al Shabaab, see Austrian Centre for Country of Origin Information and Documentation (ACCORD) [chronology of events since January 2013](#), updated 12 February 2014. Reports of security incidents are documented on the databases of [refworld.org](#), and the ACCORD at [www.ecoi.net/](#)

### Return of diaspora to Mogadishu

1.2.57 There has been an ‘impressive’ number of people returning from the diaspora to Somalia.<sup>76</sup> By early 2013, members of the Somali diaspora had begun to return due to the increased stability.<sup>77</sup> An international NGO interviewed by the DIS/Laindin fact finding mission of April/May 2013 considered that people were returning from the diaspora in increasing numbers and the citizens of Mogadishu have access to all parts of the city.<sup>78</sup>

1.2.58 IRIN news reported on 25 November 2013:

‘Much of rural Somalia remains under the control of militants, and the country's security situation remains precarious, but in Mogadishu people are beginning to rebuild their homes and business premises. Government offices are being refurbished, and new restaurants are being opened - a sign the country could finally be turning a corner... In late September [2013], Makhtar Diop, the World Bank's vice-president for Africa, said: “This progress in peace and development has attracted the return of tens of thousands of Somalis. Today, Mogadishu is in the midst of an economic revival, driven by a building

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<sup>73</sup> [Report of the Independent Expert on the situation of human rights in Somalia](#), Shamsul Bari, 22 August 2013, paras 47-78

<sup>74</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, p7

<sup>75</sup> [Human Rights Watch, World Report 2014 – Somalia, January 2014](#)

<sup>76</sup> UN [Report of the Independent Expert on the situation of human rights in Somalia](#), Shamsul Bari, 16 August 2013, para 93,

<sup>77</sup> IRIN news, [Briefing: In Somalia, relative peace belies rocky road ahead](#), 26 March 2013

<sup>78</sup> Danish Immigration Service/Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#) Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 16 April to 7 May 2013, May 2013, 1.6 Security improvements in Mogadishu, 1.6 Security Improvements in Mogadishu, pages 18-21,



boom, new international airline routes, rising trade out of the city's port, and renewed hope in a new, more promising era.’<sup>79</sup>

1.2.59 The UNHCR paper, January 2014, noted that:

‘For Somalis in Mogadishu, it is very difficult to survive without a support network, and newcomers to the city, particularly when they do not belong to the clans or nuclear families established in the district in question, or when they originate from an area formerly or presently controlled by an insurgent group, face a precarious existence in the capital. Somalis from the diaspora who have returned to Mogadishu in the course of 2013 are reported to belong to the more affluent sectors of society, with resources and economic and political connections. Many are reported to have a residence status abroad to fall back on in case of need... Due in part to the return of wealthy Somalis from the diaspora, rents in Mogadishu have reached an all-time high, as a result of which some persons are being forced to move to overcrowded IDP camps because they cannot afford the new prices quoted by landlords.’<sup>80</sup>

Further information about returns is available in the [Danish Immigration Service and Landinfo fact finding mission of April/May 2013](#) report, which provides views of a range of sources interviewed by the delegation, see section 7 and an Irinews article, How safe is going home to Somalia, 28 November 2013, which provides an account of Somalis return from South Africa: <http://www.irinnews.org/report/99219/how-safe-is-going-home-to-somalia> and [Danish Immigration Service and Landinfo fact finding mission of November 2013](#), section 1.4, ‘Situation for Diaspora people in Mogadishu’

Information about the general humanitarian situation and position of IDPs is available in subsections below.

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<sup>79</sup> IRIN news, [Mapping Mogadishu's revival](#), 25 November 2013,

<sup>80</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, , C. The Role of the Clan in Providing Traditional Forms of Protection in Mogadishu and Other Areas of Southern and Central Somalia p9

## Home Office summary

- 1.2.60 Al Shabaab withdrew from Mogadishu at the end of 2011 and no longer has ‘fixed’ positions though the group retains a presence in the city. There has been an end to open conflict and the government, backed by AMISOM, has ‘nominal’ control of Mogadishu. The changes allowed a resumption of some economic activity and the return of members of the Somali diaspora (UNHCR, January 2014; ICG, October 2013; DIS/Landinfo, May 2013; UNIE, August 2013). Al Shabab has changed its military tactics throughout Somalia from conventional to guerrilla warfare. In Mogadishu, the group (and other armed elements) perpetrates daily, lethal attacks, primarily targeting government officials, members of the Somalia security forces and AMISOM, journalists and persons working for international organisations, but also institutions and public places such as restaurants and hotels where civilians gather. A number of these attacks have been complex and against high profile targets in fortified parts of the city, with civilians ‘reportedly bearing the brunt of the attacks’ (UNHCR, January 2014; UNSG, May, September and December 2013; ICG, October 2013; DIS/Landinfo, May 2013; MGSE, July 2013). Sources do not indicate that Al Shabab targeted ordinary civilians in attacks, though there were civilian casualties as a result of attacks targeted at individuals with a particular profile or places where such persons may gather. The UNHCR noted in 2014 that the Somalia security forces are generally failing in providing protection to civilians.
- 1.2.61 The number of weapons-related admissions to ICRC hospitals declined between 2010 and 2012, while WHO data on the number of weapons-related injuries treated at four hospitals in Mogadishu were lower in 2013 compared to 2012 and, besides a spike during in June to August, generally declined during 2013. ACLED, April 2013, and DIS/Landinfo, April/May 2013, noted that the number of security-related incidents (and casualties) in Mogadishu declined in 2012 and early 2013 compared to 2011. A number of sources, however, indicated that attacks reportedly increased in the second half of 2013, fluctuating month to month (AI, September 2013; UNSG, September 2013; UNSG, December 2013; UNHCR, January 2014; ACLED, January 2014). There were reported to have been hundreds of casualties in Mogadishu and elsewhere in south and central Somalia during 2013, with the UNHCR position paper noting that numbers reportedly increased in Mogadishu (UNHCR, 2014).
- 1.2.62 In comparing the end of 2013 to 2011, the UNHCR in its January 2014 position paper considered the security situation in Mogadishu to have improved and to have less outright fighting, although ‘... the reality on the ground, as reported by observers, remains that civilians are injured and killed every week in targeted attacks by gunmen, or attacks by IEDs and grenades.’ In his report of 3 March 2014 covering events up to 15 February, the UN Secretary General noted that the security situation in Mogadishu continued to remain ‘volatile. Al shabab continued to use terrorist and guerrilla tactics, attacking government and AMISOM forces on an almost weekly basis.

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## Security situation in Puntland

- 1.2.63 The UN Independent Expert on the situation of human rights in Somalia reported that ‘... compared to south and central Somalia, in Puntland there are clear signs of social and economic progress though political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights

to justice and to freedom of expression and of the media.<sup>81</sup> According to the UN Secretary-General between 16 May and 15 August 2013 in Puntland '... attacks by Al-Shabaab decreased, although there were indications of continuing presence in the area, as evidenced by the arrest of a senior Al-Shabaab commander, on 4 June (2013), threats of retaliation against the local administration, and reported infiltrations in Garoowe and Gaalkacyo. Clashes in Qardho resulted in eight reported deaths and over 10 injured and triggered the postponement of council elections.'<sup>82</sup>

1.2.64 During the period 16 August to 15 November 2013, Puntland experienced relatively low but intermittent levels of al Shabab activities. These included '... clashes with Puntland security forces in the Galgala mountains area and the discovery of an explosive device near the residence of the President of Puntland, Abdirahman Mohamed Farole, in Garoowe, on 23 August. On 9 November 2013, Al-Shabaab insurgents were also alleged to have conducted coordinated attacks on the main local office of the Government of Puntland, the Biyo Kulule police station and Boosaaso central prison. Two prison officers were killed and two others wounded in the incident. The region faces heightened security concerns in key towns, including Garoowe, Boosaaso and Gaalkacyo, ahead of the upcoming selection and indirect election processes. Criminal activities, in particular relating to clan disputes, piracy and business, posed the biggest threat in Puntland and Galmudug.'<sup>83</sup> At least 8 people were killed and 37 injured when a suicide car bomber rammed a convoy in Puntland's northern port of Bossasso, a region harbouring Al-Qaeda-linked Al Shebab insurgents.<sup>84</sup>

1.2.65 The UN Secretary General noted for the period 16 November 2013 to 15 February 2014:

'17. Puntland experienced renewed Al-Shabaab activities. On 5 December, an Al-Shabaab suicide car bomber hit a convoy of the Puntland security forces in central Boosaaso, killing three police officers and four civilians, while injuring several others. In early January, Al-Shabaab carried out four raids against police checkpoints outside Boosaaso. On 21 January, two roadside explosions in Gaalkacyo killed three civilians and injured 13 others. However, the elections in Puntland were held without major security incidents. In Sool, clashes were reported in Taleh on 28 November between armed men from the Dhulbahante clan and Puntland forces. Those clashes reportedly resulted in the killing of 12 people, including 11 civilians, and injury to several others. On 26 January, the Puntland Government announced that it had recovered ammunition, explosive devices and other equipment from Al-Shabaab hideouts following an assault on the group's base in Galgala near the Golis Mountain range.'<sup>85</sup>

For further information see: [Report of the Independent Expert on the situation of human rights in Somalia, 16 August 2013](#) and [UN Secretary General reports to the Security Council of January, May, September and December 2013](#).

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## Security situation in Somaliland

1.2.66 The UN Independent Expert on the situation of human rights in Somalia reported that compared to south and central Somalia there are clear signs of social and economic

<sup>81</sup> UN Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, section B, <http://www.refworld.org/country,,,SOM,,522db1204,0.html>.

<sup>82</sup> [UN, Report of the Secretary-General on Somalia, 3 September 2013, Paragraph 18](#)

<sup>83</sup> [UN Report of the Secretary-General on Somalia, 2 December 2013, para 15-18](#)

<sup>84</sup> [Agence France Presse, At least 8 dead in car bomb attack in Somalia's Puntland: police, 5 December 2013](#)

<sup>85</sup> UN, [Report of the Secretary-General on Somalia](#), 3 March 2014, para 17

progress in Somaliland, though ‘political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights to justice and to freedom of expression and of the media.’<sup>86</sup>

1.2.67 The UN Secretary-General reported that between 16 May and 15 August 2013, ‘The situation in Somaliland remained relatively stable despite continued tension over the disputed Sool, Sanaag and Cayn region, and periodic clashes between “Somaliland” forces and the self-proclaimed “Khatumo State” militias. The “Somaliland” authorities also reportedly undertook a number of successful actions to arrest Al-Shabaab operatives.’<sup>87</sup> In late August 2013, the visit of the Vice-President of Puntland to Talh (Sool) reignited local clan tensions, which escalated into two clashes between pro-Khatumo militias and Somaliland forces at Gambadhe (Sool) on 13 and 15 September. Episodes of civil unrest, some of which turned violent, were also reported in Sanaag in mid-to-late September, following the ban by the Somaliland authorities on the old local currency owing to continuing claims of counterfeit Somali currency circulating in Somaliland. The Somaliland authorities reported an alarming incidence of about 239 rape cases for the months of September and October. Most victims in southern and central Somalia are displaced women and girls. In Somaliland, victims are not only from the settlements for internally displaced persons, but also from the host communities, and include children of affluent families.<sup>88</sup>

1.2.68 The UN Secretary General noted for the period 16 November 2013 to 15 February 2014 that “Somaliland” was relatively calm. Isolated armed clashes were reported in the disputed Sool, Sanaag, and Cayn regions on 27 and 28 November. Tension was high in early December following reports of a military build-up along the border between “Somaliland” and Puntland, but no further incidents were reported.’<sup>89</sup>

Further information see: [Report of the Independent Expert on the situation of human rights in Somalia, 16 August 2013](#); and [UN Secretary General reports to the Security Council of January, May, September and December 2013](#)

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## Humanitarian situation

### South and central Somalia

1.2.69 According to the UN Secretary General report on Somalia, the humanitarian situation had improved up to August 2013. This was ‘... as a result of improved security in pockets of the country, sustained assistance, and favourable weather conditions.’<sup>90</sup> However in his report of 2 December 2013, the UN Secretary General noted that:

‘Some improvements notwithstanding, humanitarian needs remain vast and the gains fragile. For the first time in five years, the number of people in crisis and emergency situations is below 1 million, standing at an estimated 870,000... The challenges also include constraints on humanitarian access, disease outbreaks and protracted displacement... Humanitarians continue to help households to meet basic needs and

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<sup>86</sup> UN, [Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, section B, paragraph 73](#)

<sup>87</sup> UN, [Report of the Secretary-General on Somalia](#), 3 September 2013, para 19

<sup>88</sup> UN, [Report of the Secretary-General on Somalia](#), 2 December 2013, para 19 & 56

<sup>89</sup> UN, [Report of the Secretary-General on Somalia](#), 3 March 2014, para 18

<sup>90</sup> UN, [Report of the Secretary-General on Somalia](#), 3 September 2013, paras 43-44,

build their resilience to shocks, with an emphasis on livelihood assets, livestock and agriculture. The Food and Agriculture Organization of the United Nations, UNICEF and WFP have jointly undertaken district-level consultations and ensured participatory village-level planning to guide their work on resilience... In the first nine months of 2013, the cash-for-work programme provided temporary employment to 35,000 households in Somalia, constituting an injection of \$4.4 million into the most vulnerable areas. Rehabilitated infrastructure included 220 irrigation canals, 76 feeder roads and 223 water catchments. During the period under review, WFP assisted about 853,000 people per month, including through resilience-enhancing activities... During the period under review, humanitarians sought to fill the most critical health and nutrition gaps resulting from the withdrawal of Médecins sans frontières [sic]. The organization had earlier cited attacks on staff and the increasing impunity of perpetrators of such attacks when it announced its withdrawal on 14 August [2013].<sup>91</sup>

1.2.70 During 2013 the UNHCR reported that ‘... up to 30,000 [Somalis] ... crossed over from Ethiopia and Kenya in 2013, with some 2,100 movements recorded in September. Many of those movements are seasonal or temporary. Partners continued to underline that returns must be voluntary and that conditions for large-scale returns are not yet in place’.<sup>92</sup>

1.2.71 The UNOCHA Somalia: Humanitarian dashboard for November 2013, issued on 15 January 2014, provides a snapshot of statistics on the numbers of people requiring humanitarian assistance and the numbers of displaced. The dashboard indicated a decline in both the number of people requiring humanitarian assistance and the numbers of displaced in 2011 and 2012 respectively. However ‘... about 870,000 people, of whom more than 70 per cent are internally displaced, are in need of life-saving humanitarian assistance in Somalia.’<sup>93</sup>

1.2.72 The OCHA Humanitarian Bulletin for January 2014 noted:

‘Somalia’s humanitarian crisis remains among the largest and most complex in the world. Despite recent modest improvements in food security, an estimated 2.9 million people will need immediate life-saving and livelihood support in the next six months (compared to 3.2 million people in late 2013). Decades of internal conflict have also led to more than 1 million people living as displaced across the country, the majority in southern and central areas. Poor and inadequate basic social services also continue to undermine the resilience of the people. Sobering statistics show that Somalia is among the top five countries in the world when it comes to prevalence of child malnutrition and under-five mortality. One in seven children under the age of five, or 203,000 children, is estimated to be acutely malnourished. More than 50,000 of these children are severely malnourished and risk dying without sustained assistance – this number could double within the next six months. One in every 10 Somali children die before their first birthday and one of every 12 women die due to pregnancy related causes. Millions of Somalis remain vulnerable to disease outbreaks due to the absence of or weak state of health and water, sanitation and hygiene services. Only 30 per cent have safe access to water. There is no protective environment for vulnerable people particularly women, girls and children. As a result, gender-based violence and violations against children are common and the level of response provided to survivors is low.

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<sup>91</sup> [UN](#) Report of the Secretary-General on Somalia, 2 December 2013, paras 57-58 &60

<sup>92</sup> [UN](#) Report of the Secretary-General on Somalia, 2 December 2013, paras 62

<sup>93</sup> [UNOCHA, Somalia: Humanitarian Dashboard – November, 15 January 2014](#)

‘The number of people in “emergency and crisis” conditions has reduced to 857,000 from 870,000, according to recent data released by the Food Security and Nutrition Analysis Unit (FSNAU)... The number of Somalis in food security “stress” has also reduced slightly to 2 million people from 2.3million. Much of the incremental improvement is due to rapid and focused actions of humanitarian organizations who responded to food security alerts at the end of 2013 of potentially poor harvests. This softened the impact and helped prevent the crisis from deteriorating. However, sustained assistance is crucial to keep people alive and strengthen their resilience. Cereal production (maize and sorghum) in the south is 20 per cent below the five-year average, exacerbated by low rainfall, conflict, floods and damage from the tropical storm. Stunting and underweight are often used as proxy indicators for poverty and food insecurity and the highest rates are reported among people in southern in central Somalia, where critical levels of acute malnutrition persist, including in parts of Bakool, Bay, Hiraan and Gedo regions. The majority of acutely malnourished children, 68 per cent, live in southern and central Somalia... Internally displaced people, who make up 75 per cent of those who are food insecure. Most live in settlements and have unreliable livelihood strategies. Rural and urban communities experiencing food insecurity in Sanaag, Sool, Bari, Nugaal, north and south Mudug, Galgaduud, Hiraan, Middle Shabelle, and Lower and Middle Juba regions.’<sup>94</sup>

## Internally Displaced Persons

1.2.73 The Internal Displacement Monitoring Centre (IDMC) reported in October 2013 that there were still an estimated 1.1 million internally displaced persons (IDPs), many of whom live in dire conditions in protracted displacement, and prospects for durable solutions remain distant. They are:

‘ ... disproportionately at risk of gross abuses of human rights, especially women and unaccompanied children. Sexual and gender-based violence is widespread, even in areas of Somalia enjoying relative security. Many IDPs from minority clans suffer pervasive discrimination since they often lack vital clan protection and connections ... internally displaced people remain particularly affected by food insecurity, with many above the emergency threshold for malnutrition. IDPs’ living conditions in most settlements are dire.’<sup>95</sup>

## Mogadishu

1.2.74 Amnesty International stated in its paper of September 2013 that:

‘Mogadishu’s infrastructure remains largely destroyed. There is no universal access to potable water, no sewerage system, virtually no schools, and access to healthcare is extremely limited, provided by a few basic, overstretched facilities. The withdrawal of all sections of MSF from Somalia in August has further restricted the population’s ability to access quality medical services, particularly as MSF ran the only paediatric hospital in Mogadishu. In August 2013, the World Health Organisation announced an ‘explosive’ polio outbreak in Mogadishu and Somalia while acknowledging their difficulties in containing the virus because of limited access to affected populations because of insecurity. Unemployment in Somalia is estimated at over 50%, while 67% of youth (14 –

<sup>94</sup> UNOCHA, [Humanitarian Bulletin, Somalia](#), January 2014, issued on 19 February 2014

<sup>95</sup> Internal Displacement Monitoring Centre (IDMC), [Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia](#), 1 October 2013, pg1,

29) are unemployed - one of the highest rates worldwide. This is all the more significant when over 70% of the population are under thirty.<sup>96</sup>

## Humanitarian situation of IDPs

1.2.75 Amnesty International reported in September 2013 that: ‘Those coming to Mogadishu who cannot access a system of protection from their clan or family risk ending up in one of the many sprawling settlements for displaced people.’ Once in those camps, IDPs are ‘... vulnerable to serious human rights and humanitarian abuses including physical and sexual violence, looting, diversion of aid as well as many abuses of socio-economic rights.’ Amnesty ‘... continues to oppose any attempts to forcibly return people to the Somali capital, Mogadishu and/or any other parts of south and central Somalia’.<sup>97</sup>

1.2.76 As of September 2013, Amnesty International reported that:

‘There were an estimated 369,000 internally displaced persons living in Mogadishu... Some were displaced by the famine of 2011, others as a result of the conflict since the early 1990s. Some have been displaced several times within the city. The situation in IDP settlements both within and outside Mogadishu remains quite dire. IDPs have been living in overcrowded and unsafe settlements and remain extremely vulnerable to various forms of human rights abuses (sic) a result of the on-going violence including widespread sexual violence. Access for humanitarian organizations providing assistance to IDPs has improved within Mogadishu in the past two years, as the government has gained control of parts of the city which were previously under the control of al-Shabab and armed militias. However, this has not always resulted in increased access to basic services, or improved humanitarian conditions for displaced communities (IDPs) due to endemic diversion of aid by multiple actors ... Thousands of people are being forcibly evicted from camps for internally displaced people (IDPs) in (the centre of) Somalia’s capital, Mogadishu, where they have been sheltering from cyclical, drought, famine and ongoing conflict... The reasons for the relocation were reported to be associated with security and the development of the capital, and were cited as a first step towards returning IDPs to their places of origin – most of which are in areas of on-going conflict and insecurity... The government IDP relocation plan could have been a positive development, if it was planned and carried out in a manner which ensures the security, fundamental rights and basic needs of the IDPs, which have been so sorely lacking in the existing IDP settlements. However, not only did the government plan prove to be inherently flawed, in terms of process, timeframe and in the choice of the location – an area where the government has very little control, it also seems to have resulted in large scale human rights abuses and forced evictions of IDPs.’<sup>98</sup>

1.2.77 Amnesty International reported that ‘... the situation in IDP settlements both within and outside Mogadishu is dire. IDPs remain extremely vulnerable to violence and sexual violence, and suffer ongoing human rights abuses. Sexual and other gender-based violence against women and girls is reported to be endemic.’<sup>99</sup> The UN Secretary General reported that there were at least 1,700 cases of rape in IDP settlements in 2012, with at least 70 per cent of these being carried out by armed men in government uniforms.<sup>100</sup> In his May 2013 report the UN Secretary General stated that ‘Sexual

<sup>96</sup> [Amnesty International, Somalia: Mogadishu cannot qualify as an internal flight alternative, 26 September 2013](#)

<sup>97</sup> [Amnesty International, Somalia: Mogadishu cannot qualify as an internal flight alternative, 26 September 2013](#)

<sup>98</sup> Amnesty International, [Somalia: No place for the displaced; Forcible eviction of displaced communities](#), September 2013, Executive summary,

<sup>99</sup> Amnesty International, [Returns to South and Central Somalia: A Violation of International Law](#), 15 May 2013

<sup>100</sup> UNOCHA, [Humanitarian Bulletin Somalia](#), March 2013, issued 12 April 2013,

violence, particularly in the camps of internally displaced persons in Mogadishu and the surrounding areas, continues to be of great concern. Perpetrators include members of organized armed groups and sometimes members of the Somali national forces'.<sup>101</sup> The UN Secretary-General noted in his September 2013 report that, '[f]ollowing the attack on the United Nations on 19 June, humanitarian activities in Mogadishu were limited to lifesaving interventions.'<sup>102</sup>

1.2.78 Human Rights Watch noted that '... members of displaced communities in Mogadishu faced serious human rights abuses including rape, beatings, ethnic discrimination, restricted access to food and shelter, restrictions on movement, and reprisals when they dared to protest their mistreatment. The most serious abuses were committed by various militias and security forces, often affiliated with the government, operating within or near camps and settlements for the displaced. Frequently these militias were linked or controlled by managers, or "gatekeepers" as they are known, of the IDP camp. The fate of the displaced is often in the hands of the gatekeepers. By "hosting" IDPs, gatekeepers determine the location of settlements, the access of IDPs to these settlements and, often, their ability to access humanitarian assistance. The gatekeepers are generally from the dominant local clan; occasionally they are linked to local authorities or to clan militias that ostensibly provide security but in fact control the camps... [forced eviction was a risk] as a result of increasing pressure on land and property in Mogadishu, longstanding as well as recent displaced communities are becoming increasingly vulnerable to forced eviction... Gatekeepers and militias profit from the displaced communities in other ways. They threaten to confiscate the tents provided to IDPs by international humanitarian agencies, to control their movement, including their ability to leave the settlements or camps.'<sup>103</sup>

1.2.79 Amnesty observed that '[i]t is widely acknowledged that some IDPs are prevented from leaving the settlements as gatekeepers would stand to lose economic benefits as a result of humanitarian assistance given due to the presence of IDPs.'<sup>104</sup>

Further detail about the humanitarian situation:

[OCHA Somalia country page](#)

[IRIN's Somalia country page](#)

[Reliefweb's Somalia country page](#)

For information about the reasons for return from Kenya and internal displacement, and the problems that returnees and IDPs continue to face, see:

Amnesty International, [No Place Like Home, Returns and Relocations of Somalia's Displaced](#), February 2014

## Humanitarian situation in Somaliland and Puntland

1.2.80 The health facilities in rural areas of Somaliland have been described as being in 'poor condition with shortage of health equipment, supplies and skilled health workers.'<sup>105</sup>

<sup>101</sup> UN, [Report of the Secretary-General on Somalia](#), 31 May 2013, para 48,

<sup>102</sup> [UN, Report of the Secretary-General on Somalia, para 43, 3 September 2013](#)

<sup>103</sup> Human Rights Watch, [Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, Somalia](#), 29 March 2013, Summary

<sup>104</sup> Amnesty International, [Returns to South and Central Somalia: A Violation of International Law](#), 15 May 2013,

<sup>105</sup> [UNOCHA, Humanitarian Bulletin: Somalia, Insecurity hinders polio immunization in Somalia, 15 January 2013 – 15 February 2013](#)



According to the Internal Displacement Monitoring Centre (IDMC) Puntland has 129,000 IDPs compared to 84,000 in Somaliland. However, '... updated and comprehensive information on IDPs [...] is still lacking' even though humanitarian access has improved.<sup>106</sup> In January 2014, OCHA reported that the situation amongst IDPs in Qardho (Puntland) and Berbera (Somaliland) has 'deteriorated' compared to six months ago due to 'an increase in morbidity'.<sup>107</sup> The IDMC reported that in August 2013, the nutrition situation for IDPs in Hargeisa (Somaliland) was 'reported to have deteriorated', whilst 'sustained levels of malnutrition' were recorded in Bossaso, Galkayo and Garowe in Puntland.<sup>108</sup> In June 2013, UNOCHA found that '... continued re-displacement of people within Puntland complicates the search for sustainable and resilient solutions. Since 1 June, 400 families in Bossaso have been forced to relocate after the land on which they were settled was sold by a private landlord. These relocations continue despite the displaced having attained security of tenure and the recent parliamentary endorsement of the "Guiding Principles on IDPs".<sup>109</sup> The storm that hit the Puntland coast in early November 2013 contaminated large clean water sources and left half of the affected people without access to sustainable sources of clean water or sanitation.<sup>110</sup>

1.2.81 With regards to human rights abuses committed against female IDPs, the UN Secretary-General noted that in the months September and October 2013 the Somaliland authorities reported 'an alarming incidence of about 239 rape cases' with survivors being '... not only from the settlements for internally displaced persons, but also from the host communities, and include children of affluent families'.<sup>111</sup>

#### Home Office summary

1.2.82 The UNSG in September 2013 noted modest improvement in conditions in the region, including Mogadishu, because of better security, sustained assistance and favourable weather conditions. Amnesty International also noted in their September 2013 briefing that improved security had allowed better access for humanitarian organizations providing assistance in Mogadishu but this had not always resulted in improved access to basic services, or improved humanitarian conditions for displaced communities due to diversion of aid. (UNHCR, 17 January 2014; UNSG, 2 December 2013).

1.2.83 However, the humanitarian needs in south and central Somalia remained 'vast and the gains fragile', with around 870,000 Somalis requiring emergency assistance though this represented the lowest number requiring support in five years (UNSG, 2 December 2013). There were over 1.1 million internally displaced persons (IDMC, 1 October 2013), including an estimated 369,000 in Mogadishu, living in overcrowded and unsafe settlements. Conditions were dire and IDPs were vulnerable to serious human rights abuses, including high levels of sexual and gender-based violence. As a result of a government relocation plan to return people to their place of origin, a number of IDPs had been forcibly evicted from camps in centre of Mogadishu and suffered human rights

<sup>106</sup> [Internal Displacement Monitoring Centre, Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia, 1 October 2013](#)

<sup>107</sup> [UNOCHA, Humanitarian Bulletin: Somalia, December 2013, Nutrition situation remains critical among internally displaced people, January 2014](#)

<sup>108</sup> [Internal Displacement Monitoring Centre, Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia, 1 October 2013](#)

<sup>109</sup> [UNOCHA, Humanitarian Bulletin: Somalia, May 2013, Repeat displacements hamper long-term solutions, June 2013](#)

<sup>110</sup> [UNOCHA, Humanitarian Bulletin: Somalia, December 2013, Aid efforts continue in Puntland and Jowhar, In-depth assessment to determine remaining needs following tropical storm, January 2014](#)

<sup>111</sup> [UN, Report of the Secretary-General on Somalia, C. Human rights and protection, Sexual and gender-based violence, paragraph 56, 2 December 2013](#)

abuses, the most serious committed by the security forces and armed militias affiliated with the government (HRW, 29 March 2013; UNSG, 3 September 2013; AI, 26 September 2013).

1.2.84 Amnesty International noted in its September 2013 briefing that Mogadishu's infrastructure is largely destroyed.

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## 2. Major clans and their sub-clans

### 2.1. Guidance

#### Basis of claim

2.1.1 Fear of mistreatment at the hands of an individual and/or sub-group of a rival clan family due to their membership of a particular clan or sub-clan.

2.1.2 This section does not consider claims based on membership of one of the minority ethnic groups in Somalia. For guidance on such claims decision makers should refer to the September 2013 OGN.

#### Specific issues

- Are members of major clans or their sub-clans at risk of persecution in Somalia by virtue of their clan membership alone?
- Are those at risk able to seek effective state protection?
- Are those at risk able to internally relocate within Somalia to escape that risk?

### Consideration of issues: risks of persecution

#### South and Central Somalia

2.1.3 In general members of one of the major clan-families or associated sub-clans would not be at risk by virtue of their clan membership alone.

2.1.4 While in the past, clan politics and rivalry between various warlords fuelled and entrenched the conflict in Somalia, increasingly the conflict has taken the shape of one between those that allegedly advance different forms of Islam. While Al Shabab were in power, the clan system became less relevant. Following their withdrawal, clan-based politics re-emerged with powerful individuals and militias - often from the dominant clan in the area - filling the void. The clan system has changed over time and been undermined to varying degrees in different regions by the ongoing conflict and by the declining influence of the traditional system of justice. Sources indicate the increasing importance of individual personal connections in accessing clan protection and livelihoods, which makes those moving to a new area without such connections vulnerable.

See September 2013  
[Somalia OGN](#)

For country  
information, see [major  
clans or their sub-  
clans](#)

- 2.1.5 Inter-clan disputes and rivalries are evident. Many militias which have now been integrated into the Somali National Armed Forces continue to owe their loyalty to their clan leaders and groups.
- 2.1.6 Though there may be clan tensions, there are no longer any clan-related conflicts in Mogadishu. People can move everywhere in Mogadishu irrespective of their clan affiliation, but not necessarily live in an area of the city where their clan does not exist. UNHCR-Somalia, Mogadishu, confirmed that a person in Mogadishu will not be at risk today solely because they are of a particular clan. However, clan dynamics - in combination with other factors - are an important element when considering risk.
- 2.1.7 **Country information indicates that it is unlikely that in general any Somali belonging to one of the major clan-families (Hawiye, Darood, Dir and Isaaq) - their immediate clan groups or associated sub-clans - would be able to demonstrate that they have a well-founded fear of ill-treatment on return on the basis of their clan affiliation alone. However each case should be considered on its individual circumstances including whether, if there is such a risk, effective protection is available and if internal relocation is available.** In [AMM and others](#), the Tribunal found that clan affiliation alone was unlikely to raise Refugee Convention issues when assessing a proposed return to Mogadishu [para 371]; but that family and/or clan connections may have an important part to play in determining the reasonableness of Mogadishu as a proposed place of relocation [para 370].
- 2.1.8 Somaliland and Puntland in general only accept back persons who were former residents of those regions and are members of locally based clans or sub-clans.

See guidance on [Internal relocation](#) and relevant country information on, [Freedom of movement](#), [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

See [major clans or their sub-clans](#)

See [AMM and others](#)

See [NM and Others](#)

## Policy summary

**There are no longer any clan-related conflicts in Mogadishu. Elsewhere in south and central Somalia clan-related conflict has increasingly been superseded and taken the shape of a conflict between those that allegedly advance different forms of Islam.**

**It is unlikely that in general any Somali belonging to one of the major clan-families - their immediate clan groups or associated sub-clans - would be able to demonstrate that they have a well-founded fear of ill-treatment on return on the basis of their clan affiliation alone.**

**However each case should be considered on its individual circumstances including whether, if there is a risk, effective protection is available and if internal relocation is available.**

## 2.2. Information

Updated to 3 March 2014

2.2.1 The majority of the Somali population is composed of ethnic nomadic pastoralists with a perceived common ancestry, organised into a segmentary lineage system: the clan system. The clan system is divided into clan-family, clan, sub-clan, primary lineage and mag-paying group (mag also known as diya, meaning blood compensation). There are four 'noble' or major clan-families: the Hawiye, Darood, Dir and Isaaq, which are fragmented into various clans and sub-clans. Additionally there is a large, mostly sedentary, agro-pastoralist 'clan' from southern Somalia known as Digil-Mirifle or Raxanweyn. Outside of the clan system, there are minority groups, including the 'sab', Bantu and the Benedir.

For general information about the clans system and clans, see [Background information](#)

### Clan system

2.2.2 A 2008 International Crisis Group report stated that the classical clan system was fraying. Clan elders were being targeted in the violence then sweeping the country.<sup>112</sup> Landinfo noted that observers have pointed out that traditional leaders are losing their hold on power but that the system still worked, albeit to varying degrees.<sup>113</sup>

2.2.3 In 2009, the institute for Security Studies reported that the clan is the single most important element that has defined the identity and social relations of Somalis for centuries. While in the past, clan politics and rivalry between various warlords fuelled and entrenched the conflict, in recent times the conflict has increasingly taken the shape of a conflict between those that allegedly advance different forms of Islam.<sup>114</sup>

2.2.4 A Swedish Migration Board fact-finding mission noted in June 2012 that Somalia is a society in which individuals have their legal and economic position, and security in the Diya-paying sub-clan. Diya is blood compensation paid from one Diya-paying sub-clan to another. The Diya-paying sub-clan is the level of sub-clan which is collectively responsible for their sub-clan's security and has an obligation to compensate other sub-clans for damages which their own sub-clan has caused them. The clan system has changed over time, and in at least some geographic areas it is no longer fully functioning.<sup>115</sup>

### Clan protection

2.2.5 UNHCR Somalia explained to the April 2012 Danish Immigration Service (DIS) fact finding mission that:

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<sup>112</sup> International Crisis Group, To move beyond the failed state, 23 December 2008, 2.Clan dynamics, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/somalia/Somalia%20To%20Move%20Beyond%20the%20Failed%20State.pdf>

<sup>113</sup> Landinfo, Response: Somalia: Protection and resolution mechanisms, 2 June 2009, [http://www.landinfo.no/asset/1058/1/1058\\_1.pdf](http://www.landinfo.no/asset/1058/1/1058_1.pdf)

<sup>114</sup> Institute for Security Studies, The Somalia Conflict, Implications for peacemaking and peacekeeping efforts, September 2009, <http://www.issafrica.org/uploads/P198.PDF>

<sup>115</sup> Swedish Migration Board (LIFOS). Government and Clan system in Somalia, Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, Section 2 Individual opportunities for protection and redress in Somalia <http://lifos.migrationsverket.se/dokument?documentSummaryId=29575>

'... there is no guarantee of clan protection in Somalia, in particular members of minority clans and ethnic minority groups are vulnerable. The authority of the clan elders have been undermined in many locations by warlords, Al-Shabaab and criminals, and as a consequence the clan conflict resolution mechanisms have been weakened. Clan disputes more often leads to blood feuds due to the inability of clan elders to reach agreement by peaceful means and negotiations, and the whole conflict resolution process also takes longer time.'<sup>116</sup>

2.2.6 On the same DIS fact finding mission, the UN Development Programme representative reported that in Al Shabaab controlled areas the strength of the traditional conflict resolution mechanisms depends on if and how Al Shabaab interferes in traditional clan conflict resolution mechanisms. It could be very difficult for councils of elders to interfere in, for example, cases of forced recruitment to Al Shabaab.<sup>117</sup>

2.2.7 A joint Danish Immigration Service / Landinfo fact finding mission in October 2012 was told by OCHA that clan influence in Somalia has increased again since February 2012. The same source explained that individuals now seek assistance and support from respectable and well off individuals rather than their clan or sub-clan. An international NGO working in south and central Somalia told the fact-finding team that clan support is diminishing all over south and central Somalia. This is due to the fact that even sub-sub clans are unable to support and assist. Whether or not an individual will get support depends on this person's position and reputation. It further noted that it is only at the sub-sub-clan level one may expect protection. This means that if you are Hawiye Haber Gedir Sa'ad you can only expect to be protected by Sa'ad sub-sub clan, not Hawiye in general. Within most of the sub-sub clans there is often a dominant person, this could be a warlord, or a former warlord, a District Commissioner or someone who has become a wealthy businessman. It is very important for anyone in need of support and protection of his or her sub-sub clan that he or she is not involved in a dispute or disagreement with this dominant person. The fact-finding team were also informed that Al Shabaab does not target persons because of their clan affiliation but Al Shabaab always ensure that someone it wants to kill will be killed by members of the victims own sub-clan. A local NGO in Mogadishu added that it is important to know that being marginalized is relative: you can be a member of a major clan, but if you go to a place where your clan is outnumbered, you could be marginalized and a victim. Similarly, if you belong to a major Somali clan, but are outnumbered in a specific area (like being Majerteen in Mogadishu today), you would need some sort of protection or arrangement to do business.<sup>118</sup>

2.2.8 Amnesty International stated in October 2013 that:

'Clan structures in Somalia are both a cause of insecurity and a source of protection. Somalia has long been dominated by clan-politics, though the clan system broke down in Mogadishu while al-Shabab were in power. Following the withdrawal of al-Shabab from Mogadishu in August 2011, a power vacuum was left which the Transitional Federal Government (TFG) did not fill. Instead clan-based politics re-emerged with powerful individuals and militias, often from dominant clans, filling the void. Clan rivalries are

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<sup>116</sup> [Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, 5.1 Clan protection](#)

<sup>117</sup> [Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, 5.1 Clan protection](#)

<sup>118</sup> Danish Immigration Service /Landinfo, [Update on security and human rights issues in South-Central Somalia, including in Mogadishu](#), 17 to 28 October 2012, released January 2013, Section 4.1 Clan affiliation: protection, human rights and property claims,

evident, and many militias who have now been integrated into the Somali National Armed Forces continue to owe their loyalty to their clan leaders and groups. Clan identity is essential to access protection in Somalia. If clan protection is not available, civilians are more vulnerable to discrimination and/or targeted human rights abuses[... People returning to Somalia from overseas are extremely vulnerable unless they have strong clan and family connections, as well as the economic means to establish a life. Somalis that have left, particularly those that have been in western countries, tend to be viewed as foreigners, and may be perceived to have western agendas. This in itself puts them at an increased risk of persecution. Economically, they are often seen as people who can be manipulated and coerced, particularly if they lack the clan protection that is essential for their survival and protection.<sup>119</sup>

2.2.9 The UNHCR paper, January 2014, observed that:

‘In some areas of Southern and Central Somalia, clan protection has been undermined in recent years, not only by the ongoing conflict but also by the declining influence of the traditional system of justice due to Al-Shabaab enforcing its own strict interpretation of Sharia law in areas under its control. However, certain clans continue to dominate some regions. In these areas, customary law and protection based on negotiation among clan elders is often only accessible to members of the dominant local clan, putting those from minority groups at a disadvantage... Al-Shabaab has reportedly been killing traditional elders who refuse to follow its orders and has also reportedly been pushing traditional elders from power in the Bay, Bakool and Lower Shabelle regions and elevating younger loyalists to back the militant group’s doctrine. Since 2011, Al-Shabaab has reportedly removed at least a dozen traditional elders in those regions, parts of which were considered to have been the hardest hit by the organization’s rigid rules and where elders have been outspoken against the organization’s views. Al-Shabaab has reportedly been trying to control traditional elders so that these leaders use their influence to help Al-Shabaab with the recruitment of local boys to participate in fighting and to enable Al-Shabaab fighters to obtain weapons held by clan militias and get protection within the clans. In many places the traditional elders, in order to survive, have given Al-Shabaab their loyalty and reportedly put pressure on youth to join the organization. Furthermore, due to a breakdown in Somalia’s traditional social fabric caused by 20 years of conflict and massive displacement flows, the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping mechanism as they did in the past, particularly in locations such as Mogadishu. Clan protection and conflict resolution used to be bolstered and supported by customary law (xeer). However, there have been many pressures on the clan structure and clan elders’ traditional authority has reportedly been eroded and in some places even collapsed.<sup>120</sup>

## Mogadishu

2.2.10 The Swedish Migration Board (SMB) reported the views of a number of interlocutors on its fact finding mission to Somalia of June 2012:

‘[An international organisation observed that] The clan is of importance in Mogadishu. You can move around, but not live in an area where your clan does not exist. The clan is and has always been of importance in Mogadishu. Al Shabaab failed in removing the clan system. The clan dispute mechanism is in place for crime and family disputes. If a problem concerns a threat from Al Shabaab, the clan can get involved. [Yassin, Hibo and

<sup>119</sup> [Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013](#)

<sup>120</sup> [UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014](#)

Mohamed Sheikh Yusuf, Zakaria noted that] [t]he situation in Mogadishu has changed and there is no reason to be afraid of coming from a big and powerful clan. The President, Sheikh Sharif Sheikh Ahmed (Hawiye – Abgal) and the speaker, Sharif Hassan Sheikh Aden (Rahanweyne), can pull strings to make things happen. The Prime Minister Abdiweli Mohamed Ali has no men from his clan, Darood, on site in Mogadishu but is protected by AMISOM. The Hawiye-Abgal clan has power in Mogadishu and clan protection works via the Abgal clan. An international organisation (G) reported that the clan is of no importance for the common man in Mogadishu for criminal offences. It is, however, of importance for power and influence as a way of solving problems and as a part of politics. The Elder of Hawiye said that the clan can't protect the individual. A threat can come from the same clan; even your brother can kill you. However, if a crime is committed by someone who is not a member of Al Shabaab, the matter can be resolved between the clans. In that way the clan can be of a some protection. As for threats from Al Shabaab, the situation is different. There is no way to track the perpetrator. Abdi Mohamed Ismail stated on Radio Shabelle that clan protection is not used in Mogadishu when fighting is in progress. If a person is killed by another clan, the clans don't solve the problem by negotiations but by revenge...

'An international organisation (E) stated that if one does not have a family in Mogadishu one is without clan protection. An international organisation (D) stated that the clan system is weaker now but still works.

'An international organisation (G) stated that Mogadishu is a rather homogenous city and not too clan based. However, people use the clan, but in the end it is a question of family, kinship and who controls the territory.

'[Yassin, Hibo and Mohamed Sheikh Yusuf, Zakaria, considered that] ... Elders are not important for the stability in Mogadishu, apart from at the end of the transition period in the summer of 2012. After that, their role in the city will once again become peripheral.'<sup>121</sup>

#### 2.2.11 The SMB's commented on the interaction between state and clan protection systems based on the information obtained during its fact finding mission of June 2012:

'... Somali society is permeated with the clan system. The clan system is integrated with all functions of society, even with the structure of the governing bodies. It means that the weak and insufficient structure of governing bodies, which nevertheless are in place in Mogadishu, such as the police and the judiciary, is in symbiosis with the clan system. During the period Al Shabaab controlled Mogadishu, clans as such have been less influential even if some clans through connections with other power centres still have had a role to play in solving conflicts and when an individual seeks protection or redress. Other power centres may be the District Commissioners, appointed by TFG, but also others e.g. warlords and financially strong and influential businessmen. These power centres have influence on the authorities. Al Shabaab still has influence in some parts of the city even if they no longer control any part of it ... The possibility for the individual in Mogadishu to get clan protection depends on the clan's position in the city, e.g. a clan member in an influential position in TFG or other power centres. Clans which are represented in influential positions can facilitate clan members' needs of protection and redress. Persons from clans which lack connections to power centres are referred to the structure of governing bodies with all its above mentioned weaknesses. Lifos [Swedish

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<sup>121</sup> Swedish Migration Board (LIFOS). [Government and Clan system in Somalia, Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012](#), 5 March 2013, section 4.3, Mogadishu



Migration Board] got contradictory information about the clans' ability to solve family related problems and petty crimes. Some are of the opinion that the clan system is still used for these matters but others argue that in Mogadishu of today clan does not have any relevance or in any case very little relevance in these kinds of matters. Many of those who live in Mogadishu are internally displaced and they have often no clan in the city which can facilitate their contacts with power centres or handle their cases within the clan system. Many of the internally displaced are women and children from minority groups which reduce their possibility to get protection and redress further more.<sup>122</sup> 5.1.1

2.2.12 A later joint Danish Immigration Service / Landinfo fact-finding mission in April and May 2013 were informed by a UN agency, Nairobi, that '... there is less risk for anyone being attacked or violated only because of clan affiliation. It does not matter whether you belong to a strong or a weak clan, or an ethnic minority group.' An international NGO reported that within Mogadishu clan protection is no longer important as there are no clan-based militias in Mogadishu. Persons returning from abroad are not at particular risk because of their clan affiliation. When asked if individuals who are having trouble with other persons or if they fear for something would be able to seek assistance the international NGO stated that people can go to the police, contact their elders and/or contact an MP who is representing their own clan. There are no longer any clan related conflicts in Mogadishu and people can move everywhere in Mogadishu irrespective of their clan affiliation.<sup>123</sup>

2.2.13 On the same mission, regarding access to livelihood in Mogadishu, UNHCR-Somalia

'... confirmed that someone in Mogadishu will not be at risk today solely because he/she is of a different clan, although clan dynamics in combination with other factors are an important element when considering risk, including for the IDP population. It is obvious that one is safer when he or she is residing in an area dominated by his or her own clan or if one has good relations with a dominating clan.

'[on] ...access to livelihood in Mogadishu, UNHCR-Somalia explained that the presence of nuclear family is a requirement for livelihood support, as the clan will not help with livelihood. The clan will only help when it comes to protection issues and in some instances, especially for highly publicized cases; members of sub-clans contribute funds to support extremely vulnerable cases. However, to benefit from clan protection, the person concerned must be known to the clan elders or to other clan members known to these elders. Information about a newcomer, particularly, when he/she does not belong to the existing clans or nuclear families or when he/she originates from an area formerly or presently controlled by an insurgent group; would certainly attract adverse attention. Even those who originate from the Mogadishu may be perceived as newcomers, if they left a long time ago and have lost all links with their clan-based community.'<sup>124</sup>

2.2.14 The UNHCR paper, January 2014, observed that:

... due to a breakdown in Somalia's traditional social fabric caused by 20 years of conflict and massive displacement flows, the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping

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<sup>122</sup> Swedish Migration Board (LIFOS). [Government and Clan system in Somalia, Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012](#), 5 March 2013, paragraph 5.1.1

<sup>123</sup> Danish Immigration Service /Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#), May 2013, section 2.1, Clan protection

<sup>124</sup> Danish Immigration Service /Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#), May 2013, section 2.1, Clan protection

mechanism as they did in the past, particularly in locations such as Mogadishu. Clan protection and conflict resolution used to be bolstered and supported by customary law (xeer). However, there have been many pressures on the clan structure and clan elders' traditional authority has reportedly been eroded and in some places even collapsed. It has also reportedly proven difficult to apply xeer in a modern urban environment such as Mogadishu in the context of armed conflict. In Mogadishu in particular, the nuclear family has reportedly become the main protection mechanism.

'Despite these changes, in general it reportedly remains the case that Somali nationals enjoy greater physical security when residing in an area dominated by their own clan. As many neighbourhoods in Mogadishu are reportedly dominated by one clan and sometimes affiliated armed militia, presence in such areas could, depending on the specific circumstances, put a member of another clan at risk. There continue to be reports of clan tensions in the context of a struggle for control of districts, and clan militias are an additional source of insecurity. For Somalis in Mogadishu, it is very difficult to survive without a support network, and newcomers to the city, particularly when they do not belong to the clans or nuclear families established in the district in question, or when they originate from an area formerly or presently controlled by an insurgent group, face a precarious existence in the capital.'<sup>125</sup>

#### 2.2.15 The report of the Danish Immigration Service / Landinfo fact finding mission of 1 – 15 November 2013, noted:

'Regarding Mogadishu, clan affiliation is still a very important issue when it comes to identity as well as protection, according to UNHCR. In some districts of Mogadishu the population is more mixed than in other districts, but one clan would be predominant. A priori clan affiliation will not be a problem. But there are cases and circumstances when it matters. For instance, in cases where a girl or women is raped by someone from another clan, if the victim's clan does not obtain a satisfactory solution from the perpetrator's clan, the victim's clan may resort to raping three girls from the perpetrator's clan, according to UNHCR.

'Regarding clan identity and security an international agency (A) explained that there are fewer warlords than previously, but clan identity is still very important. One can put a clan name of any area in Mogadishu. In addition there are clans who have their own militia. However, clan protection is decreasing as the government and AMISOM provide increasing security. On the other hand there are minority clans who are more vulnerable than other groups.

'According to the international agency (A) there is no one in Mogadishu who is at risk of attacks or persecution only because of his or her clan affiliation.

'Regarding the importance of clan a Diaspora researcher in Mogadishu stated that clan is no longer as important as it was in the past. Protection is not dependent on one's clan affiliation. Today it is much more important to have connections, i.e. to know people in power, than to be a member of a certain clan. Clan is more important to the elderly. It was added that clan is something you may talk about at your home or when you are together with fellow clan members. The Diaspora researcher in Mogadishu also stated that people might wish to present themselves as more cosmopolitan and modern and not necessarily wanting to share points of views on clans to westerners.

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<sup>125</sup> UNHCR, [International Protection Considerations with Regard to people fleeing Southern and Central Somalia](#), 17 January 2014

‘The Diaspora researcher in Mogadishu explained that some people can easily say that clan is not important, [that is] if they belong to a strong clan, however if you belong to a small clan it could be different. The researcher also explained that for instance the Darood clans in Mogadishu would describe themselves as refugees in the city because they do not have any real power since power is perceived to be in the hands of the Hawiye clans.

‘According to an international NGO (A) clan affiliation, protection and freedom of movement in Mogadishu is still an issue, even though many might say otherwise. People in the capital probably feel a bit more cosmopolitan and modern than others, and they do not like to be seen as having clan issues. For instance the international NGO’s (A) own staff would say that clan does not matter, but in recruitment processes, tendering processes or disputes, the clan issue might be an underlying cause of delay, discussion/debate.

‘The international NGO (A) added that the importance of clan in Mogadishu certainly depends on who you are talking about. For IDPs or people from other areas than Mogadishu, clan and protection is very important. However if you belong to one of the major clans and you have grown up in Mogadishu, it is different because you have the protection of your clan. One should be cautious since there is a tendency to say that clan does not matter, but if you scratch the surface it is hard to tell how far this is true.

‘The international NGO (A) believed that numerous security incidents in Mogadishu are clan related. It was added that the majority of security incidents, apart from the throwing of hand grenades, are killings and most of these are probably clan and politically motivated.

‘Asked to comment on the importance of clan protection in Mogadishu today, a Somali NGO in Mogadishu explained that people do not need the protection of their clan any longer, but if the government should collapse, the situation would change and people would once again need the protection of their clan. However, as of today no one is killed because of one’s clan affiliation.

‘According to SWDC [Somali Women Development Center] clan affiliation is no longer a security matter in Mogadishu. No one will ever ask a woman or a man about her or his clan, not even at the checkpoints. Clan is a private matter and it has no influence on one’s personal protection.

‘Regarding clan affiliation a well-informed journalist in Mogadishu stated that clan is not playing the same role as it used to do. It is illegal for ordinary citizens in Mogadishu to carry weapons and the warlords are gone. However, clan is still important when it comes to politics and social matters. It was reiterated that clan is not an important issue when it comes to the individuals’ safety and security.<sup>126</sup>

For further detail on clan protection and movement within Mogadishu, see section 2.1 of the Danish Immigration Service /Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#), May 2013

## South and central Somalia: clashes between clans

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<sup>126</sup> Danish Immigration Service/Landinfo , [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p36

2.2.16 According to the 2013 US Department of State, there were clashes over resources and revenge killings between clans:

‘Fighting among clans and subclans, particularly over water and land resources, resulted in killings and displacements. There were also reports of revenge killings. Authorities investigated very few cases, and there were no reports of any investigations by local justice authorities. For example, on July 25, Biyamal and Ayr clan militias fought over land disputes in El-Waregow, in Lower Shabelle Region, resulting in the death of approximately 10 clansmen. There were reports in August that Ayr clan militias were taxing the Biyamal for access to water sources.’<sup>127</sup>

2.2.17 In Shabelle Dhexe, a surge in clan-based conflict resulted in several civilian casualties in Jawhar district late in May and in June 2013.<sup>128</sup> In Kismayo, new clashes took place between two clans in June 2013. According to reports, the number of the victims of the fighting in Kismayo increased in early June to more than 70 dead and 200 wounded, with many victims among the civilian population.<sup>129</sup> UNOCHA reports in November 2013, clan fighting in Jowhar in Middle Shabelle slowed down ongoing relief efforts for people affected by flooding.<sup>130</sup> Early in October 2013, clashes were reported in Kismaayo between supporters of Mr. Madobe and supporters of Barre Hirale, a local rival from another sub-clan.<sup>131</sup>

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<sup>127</sup> US Department of State, [Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, section 1a

<sup>128</sup> [UN, Report of the Secretary-General on Somalia, 3 September 2013, Paragraph 17](#)

<sup>129</sup> [UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013 paragraph 67](#)

<sup>130</sup> [UNOCHA, Humanitarian Bulletin Somalia October 2013, 18 November 2013](#)

<sup>131</sup> [UN, Report of the Secretary-General on Somalia, 2 December 2013, para 16](#)

# 3. Women

## 3.1. Guidance

### Basis of claim

3.1.1 Fear of sexual or gender-based mistreatment.

### Specific issues

- Are women in Somalia at risk of gender-based persecution?
- Are those at risk able to seek effective state protection?
- Are those at risk able to internally relocate within Somalia to escape that risk?

### Consideration of issues: risk of persecution

3.1.2 Sexual and gender based violence is widespread and women who are without family/friend/clan connections or are without resources are in general likely to be at risk of persecution on return.

3.1.3 There is generalised discrimination towards women in Somalia. Sexual and gender-based violence - including domestic violence and trafficking - is widespread and committed with impunity by a range of actors including government security forces, members of armed opposition groups, militias, private actors and AMISOM peacekeepers. IDP women, especially those from minority clans, are particularly exposed to sexual and gender-based violence. Given the inability of the state to provide effective protection in south and central Somalia – including Mogadishu - most lone females with no protectors or resources, are likely to be in need of international protection.

3.1.4 Factors to be taken into account include: access to family networks or clan protection and support, age, health, economic status, family responsibilities, connections with the diaspora (which can be material both in terms of income and ability to find work with reference to the diaspora driven economic upsurge) and other individual circumstances of the person.

3.1.5 Not only do female returnees in particular face threats against the person in IDP camps, especially those belonging to minority clans, but “women travelling without male friends or relatives are in general likely to face a real risk of sexual violence”(see paragraph 605 of the [AMM and others](#) determination. For single women and female single heads of households with no male protection, especially those originating from minority clans, internal relocation will not be available in the absence of

See: country information on [women](#) and the Asylum Instruction on [Gender issues in the asylum claim](#)

See [AMM and others](#)

See [Actors of protection](#)

See country information on [women](#)

See guidance on [Internal relocation](#). and relevant country information on, [Freedom of movement](#), [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

meaningful nuclear and/or extended family support and functioning clan protection.

**3.1.6 Women who have a well founded fear of persecution as a result of their gender are members of a particular social group. This is because they are discriminated against in matters of fundamental human rights and the state is unable to provide effective protection.**

3.1.7 Sexual and gender-based violence are also serious problems in Somaliland and Puntland, including risk of trafficking. Cases of such abuses are often unreported and resolved between families. The unwillingness of the police to act on such reports suggest that many women may not be able to obtain effective state protection. Women, and especially single women, with no support network are likely to be vulnerable and may be subjected to destitution. The reasonableness of internal relocation must be assessed on a case-by-case basis taking full account of the individual circumstances of the particular person. A “real risk of serious harm” would occur for women returned to Mogadishu International Airport and travelling by land to Somaliland, as found in the case of [AMM and others](#) (paragraph 608 of the determination).

See [AMM and others](#)  
See [Actors of protection](#)

See AI on [Gender issues in the asylum claim](#)

See country information on [women](#)

See guidance on [Internal relocation](#), and relevant country information on [Freedom of movement](#), [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

## Female genital mutilation

3.1.8 Female Genital Mutilation (FGM) is almost universally practiced throughout Somalia and a very strong cultural belief persists in its practice. Women who have not undergone the procedure and who can demonstrate that they are at risk of FGM and could not escape the risk by internal relocation should be granted asylum on the basis of their membership of a particular social group. The reasonableness of internal relocation must be assessed on a case-by-case basis taking full account of the individual circumstances of the particular person.

3.1.9 The Upper Tribunal concluded in the country guidance case of [AMM and others](#), that the incidence of FGM in Somalia is universally agreed to be over 90%. However, there is evidence that in some areas of Somalia it may be declining. The societal requirement for any girl or woman to undergo FGM is strong. In general, an uncircumcised, unmarried Somali woman, up to the age of 39, will be at real risk of suffering FGM. The risk will be greatest in cases where both parents are in favour of FGM. (see paragraphs 609 & 610 of the determination).

3.1.10 [AMM and others](#) also found that should both parents oppose FGM, “the question of whether the risk will reach the requisite level will need to be determined by reference to the extent to which the parents are likely to be able to withstand the strong societal pressures. Unless the parents are from a socio-economic background that is likely to distance them from

See country information on [women](#) (including FGM)

mainstream social attitudes, or there is some other particular feature of their case, the fact of parental opposition may well as a general matter be incapable of eliminating the real risk to the daughter that others (particularly relatives) will at some point inflict FGM on her” (see paragraph 610 of the determination).

## Policy summary

**Sexual and gender-based violence is widespread. Women without family or clan support are in general likely to be at real risk on return, depending on their particular circumstances**

**There are high levels of FGM throughout Somalia and strong cultural belief in its practice. Women under the age of 39 years who have not undergone the procedure and who can demonstrate that they are at risk of such mistreatment and could not escape the risk by internal relocation should be granted asylum on the basis of their membership of a particular social group.**

See [AMM and others](#)

See [Actors of protection](#)

See country information on [women](#)

See guidance on [Internal relocation](#), and relevant country information on [Freedom of movement](#), [Security situation in south and central Somalia](#) and [Humanitarian situation](#)

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## 3.2. Information

Updated to 3 March 2014

3.2.1 The Independent Expert on the situation of human rights in Somalia reported that women face widespread discrimination and inequality, accentuated by the years of conflict. He further noted that:

‘Violence against women has occurred on a daily basis, in the family or as a result of the conflict, for example during cordon and search operations, and in camps for internally displaced persons (IDPs). Women and young girls face double victimization because, after being violated, they often have no effective justice and support system to turn to. Female genital mutilation remains a perennial problem. There is a need for measures to deal with gender parity issues, including in the field of education and in the labour market.’<sup>132</sup>

3.2.2 The US Department of State noted for 2013 that though prohibited in the provisional federal constitution ‘... female genital mutilation/cutting (FGM/C) was widespread throughout the country. As many as 98 percent of women and girls had undergone FGM/C, and the majority were subjected to infibulation, the most severe form of FGM/C. International and local NGOs ran education awareness programs on the dangers of FGM/C, but there were no reliable statistics to measure the success of these programs.’<sup>133</sup> A UNICEF study looking at the worldwide practices of FGM finds that the practice of FGM is ‘almost universal in Somalia ... [and] no significant changes in FGM/C prevalence can be observed.’<sup>134</sup> In another UNICEF study it was highlighted that, ‘In Somali society, the practice of FGM is an honoured tradition. Those who oppose it do so against the tide of public opinion.’<sup>135</sup>

3.2.3 The UN Secretary General reported on 3 September 2013 that:

‘Sexual and gender-based violence against women and girls remained one of the most insidious consequences of the conflict, despite the stated commitment of the Federal Government to end impunity for such acts. Related incidents were reportedly most numerous in the Afgooye and Bala’d corridor near Mogadishu, and in camps for internally displaced persons in the southern and central parts of the country. Women and girls were targeted for rape, including gang rape, as well as other acts of sexual violence, particularly in settlements for displaced persons in Mogadishu. Most perpetrators were armed, and, in some cases, security personnel. Impunity remained rife, as survivors fear retaliation by their attackers. The justice system is ill-equipped to provide effective recourse for victims as the Penal Code defines rape as a moral crime rather than a crime against the person, so that survivors fear being stigmatized if they disclose incidents of rape or other sexual violence. Police capacity to investigate such crimes, gather evidence and protect victims remained limited. During the reporting period, the United Nations continued to work with partners using a new gender-based violence investigation and monitoring system to track trends and patterns of different forms of violence against

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<sup>132</sup> UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, para 21, [http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-40\\_en%20%281%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-40_en%20%281%29.pdf)

<sup>133</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](http://www.state.gov/Country%20Reports%20on%20Human%20Rights%20Practices%20for%202013/Somalia), 27 February 2014, Section 6

<sup>134</sup> [UNICEF, Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 4. How widespread is the practice? And 9. Moving forward, July 2013](http://www.unicef.org/sexualreproduction/files/4_S06_FGM_Cutting_Overview_Exploration_Change_4_2013.pdf)

<sup>135</sup> [UNICEF, Eradication of female genital mutilation in Somalia, Undated \[Last accessed: 12/02/2014\]](http://www.unicef.org/sexualreproduction/files/4_S06_FGM_Cutting_Overview_Exploration_Change_4_2013.pdf)



children and adults. Preventive and responsive programming continued, including provision of victim assistance, counselling and livelihood support.<sup>136</sup>

3.2.4 In its summary to the report, 'Here, rape is normal', HRW noted:

'Sexual violence is pervasive in much of Somalia. Two decades of civil conflict and state collapse have created a large population of displaced persons and other people vulnerable to sexual violence. At the same time it has destroyed the state institutions that are supposed to protect those most at risk. Armed assailants, including members of state security forces, operating with complete impunity, sexually assault, rape, beat, shoot, and stab women and girls inside camps for the displaced and as they walk to market, tend to their fields, or forage for firewood. Members of Somalia's long marginalized minority communities are particularly at risk.'<sup>137</sup>

3.2.5 In September 2013 UNHCR provided guidance on the application of an internal flight alternative (IFA), particularly in respect of Mogadishu, and considers that an IFA will 'not be reasonably available in the absence of meaningful nuclear and/or extended family support and functioning clan protection' for 'single women and female single heads of households with no male protection and especially originating from minority clans.'<sup>138</sup> In its January 2014 'International Protection Considerations with Regard to people fleeing Southern and Central Somalia', UNHCR considered that women and girls, '... may be in need of international protection in the sense of the Convention Relating to the Status of Refugees ("1951 Convention").'<sup>139</sup>

## Somaliland

3.2.6 UNHCR's Guidelines, published in May 2009 found that 'women from Somaliland, with the specific profiles [victims of FGM and sexual and gender-based violence], are at risk, on account of their membership of a particular social group.'<sup>140</sup>

3.2.7 With regards to FGM, the US Department of State reported that, 'The Somaliland administration worked with the UN FGM/C task force to develop an FGM/C policy for Somaliland, but the policy was not completed by year's end [2012].'<sup>141</sup>

3.2.8 With regards to sexual violence, the US Department of State report noted that '... gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas. According to a local Hargeisa-based NGO, gang rapes constituted 30 percent of reported rape cases and 55 percent of reported cases involved a minor as the victim. Many cases

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<sup>136</sup> UN, Report of the Secretary-General on Somalia, 3 September 2013, para 42, [http://www.ecoi.net/file\\_upload/1226\\_1380116797\\_somalia.pdf](http://www.ecoi.net/file_upload/1226_1380116797_somalia.pdf)

<sup>137</sup> Human Rights Watch, [Here rape is normal](#), 13 February 2014, p2

<sup>138</sup> [UNHCR, Reply by the United Nations High Commissioner for Refugees \(UNHCR\) in response to request for guidance on the application of the internal flight or relocation alternative, particularly in respect of Mogadishu, Somali, Conclusion, paragraph 29, 25 September 2013](#)

<sup>139</sup> [UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, A. Refugee Protection under the 1951 Convention, January 2014](#)

<sup>140</sup> [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, B. Main Groups at Risk on the Basis of Article 1\(a\) of the 1951 Convention and/or Article I\(1\) of the OAU Convention, 2. Puntland, e\) Women and girls, 5 May 2010](#)

<sup>141</sup> [U.S. Department of State, Country Reports on Human Rights Practices for 2012: Somalia, Section 6:Discrimination, Societal Abuses, and Trafficking Persons, Children, 19 April 2013,](#)

went unreported.<sup>142</sup> In May 2013 IRIN reported that “stiffer penalties and reduced reliance on traditional justice systems could help end the rising incidence of rape” in Somaliland, with an estimated 5,000 rape cases to have taken place in 2012.<sup>143</sup> The same news article noted that, ‘The extent of rape in Somaliland remains difficult to measure, with most cases going unreported or being resolved between families. While rape is punishable with a jail term of five to 15 years in Somaliland, cases are often settled outside the courts by traditional leaders, with perpetrators typically paying compensation or marrying the victim.’<sup>144</sup> The UN Secretary-General’s report on Somalia of December 2013 reported that the Somaliland authorities reported an ‘... alarming incidence of about 239 rape cases for the months of September and October’ with victims coming from IDP settlements and host communities, including children of affluent families.<sup>145</sup>

## Puntland

3.2.9 UNHCR’s Guidelines, published in May 2009 found that ‘women from Puntland, with the specific profiles mentioned above [victims of FGM and sexual and gender-based violence], may be at risk, on account of their membership of a particular social group.’<sup>146</sup>

3.2.10 The US Department of State noted with regards to FGM that, ‘In December 2011 Puntland’s president signed a bill into law that outlawed some forms of female circumcision but allowed for “Sunna circumcision,” which consists of the removal of the prepuce (retractable fold of skin) and/or the tip of the clitoris. The legislation also abolished blame if a child were to die during FGM/C. Human rights workers largely considered this a retrogressive step in the protection of women’s rights.’<sup>147</sup>

Further background information about the position and treatment of women in Somalia is available in:

[Amnesty International, Rape and sexual violence in Somalia – an ongoing epidemic, 30 August 2013](#)

[Human Rights Watch, World Report 2014 – Somalia, January 2014](#)

[Laura Hammond, Safety, Security and socio-economic wellbeing in Somaliland, November 2013 \(p 24 to 27\)](#)

[Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu, 5.1.1 Clan protection and women, April 2012](#)

3.2.11 [Danish Immigration Service / Landinfo, Update on security and protection issues in Mogadishu and South-Central, Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia](#)

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<sup>142</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia, 27 February 2014, Section 6](#)

<sup>143</sup> [IRIN, Stiffer penalties, formal justice to curb rape in Somaliland, 28 May 2013](#)

<sup>144</sup> [IRIN, Stiffer penalties, formal justice to curb rape in Somaliland, 28 May 2013](#)

<sup>145</sup> [UN, Report of the Secretary-General on Somalia, C. Human rights and protection, Sexual and gender-based violence, paragraph 56, 2 December 2013](#)

<sup>146</sup> [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, B. Main Groups at Risk on the Basis of Article 1\(a\) of the 1951 Convention and/or Article I\(1\) of the OAU Convention, 2. Puntland, e\) Women and girls, 5 May 2010](#)

<sup>147</sup> [U.S. Department of State, Country Reports on Human Rights Practices for 2012: Somalia, Section 6:Discrimination, Societal Abuses, and Trafficking Persons, Children, 19 April 2013,](#)

[1 to 15 November 2013 Somalia](#)

[Internal Displacement Monitoring Centre, Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia, 1 October 2013](#)

[UNDP, Somalia Human Development Report 2012, September 2012, Chapter 2—Dual Traps: Poverty and Violence](#)

[Organisation of Economic Co-operation and Development, Social Institutions Index, Somalia \(sourced up to 2012, though most references are pre 2010\):](#)

[UN Secretary General reports](#)

[UN High Commissioner for Refugees Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, 5 May 2010](#)

[UN High Commissioner for Refugees, International Protection Considerations with Regard to people fleeing Southern and Central Somalia , 17 January 2014](#)

[US Department of State, Country Reports on Human Rights Practices for 2013, Somalia, 27 February 2014](#)

[US Department of State, Trafficking in Persons Report 2013: Somalia, 19 June 2013](#)

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# 4. Prison conditions

## 4.1. Guidance

### Basis of claim

4.1.1 Fear of being imprisoned on return and that prison conditions in Somalia are so poor as to amount to torture or inhuman or degrading treatment or punishment.

### Specific issues

- Are prison conditions in Somalia so severe that the person's removal would be a breach of Article 3 ECHR?

### Consideration of issues

4.1.2 Prison conditions in Somalia, Somaliland and Puntland, including those administered by Al Shabab are in general harsh and life threatening and due to overcrowding, prevalence of disease, lack of food, water, sanitation and the practice of torture are in individual cases likely to breach Article 3 ECHR.

4.1.3 The individual factors of each case should be considered to determine whether the person is at real risk of detention and whether detention will cause a particular person in his particular circumstances to suffer treatment contrary to Article 3 ECHR, relevant factors being the likely length of detention, the likely type of detention facility and the person's age, gender and state of health.

4.1.4 **Where in an individual case treatment does reach the Article 3 ECHR threshold, a grant of Humanitarian Protection will be appropriate.**

### Policy summary

**Prison conditions in Somalia have the potential to breach the Article 3 threshold. Each case will be dependant on the particular circumstances of the person concerned.**

See [country information on prison conditions](#)

See [Asylum Instruction on Humanitarian Protection](#)

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## 4.2. Information

Updated to 3 March 2014

### South and central Somalia (including Mogadishu)

4.2.1 The US Department of State reporting on events in 2013 (USSD report 2013) described prison conditions in Somalia as ‘harsh and life threatening... with medical care and sanitation wholly inadequate in many prisons’ and further reported that:

‘The number of prisoners and detainees throughout the country, including juvenile and female prisoners, remained unknown. Harsh conditions in prisons and detention centers throughout the country included overcrowding, poor sanitation, and lack of health care. Inadequate food, water, ventilation, and lighting continued to be persistent problems. Tuberculosis and pneumonia were reportedly widespread. Prisoners relied on their families and clans, which often paid the costs associated with detention. In many areas prisoners depended on family members and relief agencies for food.

‘Information on the death rates in prisons and pretrial detention centers continued to be unavailable.

‘In prisons and detention centers, authorities frequently held juveniles with adults. They separated female prisoners from men. Authorities often did not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions. The incarceration of juveniles at the request of families who wanted their children disciplined remained a problem. Some families sent juveniles from al-Shabaab-controlled areas to prison to prevent their being forcibly recruited by al-Shabaab... A UN prison assessment found, as of July 2012, the Mogadishu Central Prison population included 950 individuals, of whom 14 were women and 39 were juveniles. The UN confirmed the separation of women and men, but noted separation of adults and juveniles was not consistent. The UN also concluded prisoners’ living conditions in the Mogadishu Central Prison fell short of meeting minimum international and national standards. For example, authorities held 120 inmates in cells designed for a maximum of 50 persons.’<sup>148</sup>

4.2.2 The Elman Peace and Human Rights Centre, Mogadishu reported to the May 2013 Danish and Landinfo Fact Finding Mission that many people are incarcerated without charges for long periods of time. Children and adults are not separated. There are outbreaks of diseases in the prisons and all humanitarian actors have been denied access. The last being International Committee of the Red Cross (ICRC) who’s access was denied and there have been concerns of cholera outbreaks. Petty criminals are incarcerated with radicals and high risk individuals.<sup>149</sup>

4.2.3 A November 2013 news article reported on the risk of starvation prisoners face in Baidoa’s central prison after a serious food shortage since the beginning of the year.<sup>150</sup> In May 2013 the UN Secretary-General’s report on Somalia found that, ‘Conditions in

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<sup>148</sup> U.S. Department of State, [Country Reports on Human Rights practices for 2012: Somalia](#), 19 April 2013, Executive Summary, Section 1c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and section 1c, Prison and Detention Center Conditions,

<sup>149</sup> Danish Immigration Service /Landinfo, [Security and protection in Mogadishu and South-Central Somalia](#) Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 16 April to 7 May 2013, May 2013, section 1.4, Activities by the SNAF, police forces, District Commissioners (DCs) and criminal gangs

<sup>150</sup> [Sabahi, Baidoa prison inmates face critical resource shortage, 26 November 2013](#)

detention facilities monitored across the country are still below minimum international standards, including in Hargeysa, Garoowe and Boosaaso and in Mogadishu Central Prison, where an outbreak of suspected cholera was reported.<sup>151</sup> The August 2013 report by the UN Independent Expert on the situation of human rights in Somalia stated that,

‘Like many other institutions, prisons and detention facilities have been severely affected by the conflict. Most detention facilities are dilapidated, which affects the basic human rights of the inmates. The lack of an adequate number of properly trained corrections personnel has added to the problem. The living conditions of prisoners and detainees fall well below the standards identified in international human rights law and in the laws of Somalia. There is no clear separation of individuals sentenced by military courts and those sentenced by civilian courts. The same applies to those sentenced or tried on charges of national security offences and those sentenced or tried for common crimes. This poses serious concerns in terms of both internal security and rehabilitation of prisoners. In practice, there is no separation of adults and juveniles in detention, despite this being expressly required by law. There is a clear need to bring the conditions of detainees in Somalia up to the minimum international standards.’<sup>152</sup>

## Areas outside government control

4.2.4 The US State Department report for 2013 stated that, ‘Al-Shabaab operated dilapidated detention centers in areas under its control in the southern and central regions. No statistics were available, but observers estimated thousands were incarcerated in inhuman conditions for relatively minor “offenses” such as smoking, listening to music, watching or playing soccer, or not wearing a hijab.’<sup>153</sup>

## Somaliland and Puntland

4.2.5 The UN’s Report of the independent expert on the situation of human rights in Somalia, published on 22 August 2012 stated that:

‘... during his visit to Somalia, he visited several detention centres in Puntland and Somaliland. He found that, in a significant number of cases, detentions were either unlawful or arbitrary, with prisoners detained without a legal basis. He was also shocked to find women and girls detained for “disobeying” their parents or husband. Detention conditions were close to inhumane, and water and sanitation were frequently lacking. Ventilation was poor, with only small slits for windows. Prisons were overcrowded and stifling hot. Inmates slept on bare floor. The principle of separation between juveniles and adults, criminals and others was not always respected. Most inmates in Puntland and Mogadishu were accused of such serious crimes as murder, piracy or having links with al-Shabaab; for a significant number of cases, however, detentions appeared to be either unlawful or arbitrary.’<sup>154</sup>

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<sup>151</sup> [UN, Report of the Secretary-General on Somalia, E. Human rights and the rule of law, paragraph 43, 31 May 2013](#)

<sup>152</sup> [UN Independent Expert on the situation of human rights in Somalia, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, 8. Rights of prisoners and detainees, paragraphs 29 and 30, 16 August 2013](#)

<sup>153</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, Section 1c

<sup>154</sup> UN Independent Expert on the situation of human rights in Somalia, [Report of the Independent Expert on the situation of human rights in Somalia](#), Shamsul Bari, 22 August 2013

4.2.6 The UN Office on Drugs and Crime (UNDOC)'s counter piracy programme includes work on improving the prison service. UNDOC have been working in a newly opened prison academy in Puntland, training Puntland's prison staff on the latest techniques in prisoner care, resisting corruption and rehabilitation of violent young men. A new 500 bed prison which will open at the end of 2013 to bring Somali pirates convicted in courts around the world back to serve their sentences close to home: a strategy supported by the UN Security Council and passed to UNDOC for implementation.(UNDOC, December 2012).<sup>155</sup>

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# 5. Actors of protection

## 5.1. Guidance

### Specific issues

- Is a person who is at real risk of persecution or serious harm in Somalia able to seek effective protection from the authorities (or other organisation controlling all or a substantial part of the state)?
- Can the person access such protection, for example: an effective criminal justice system for the detection, prosecution and punishment of acts constituting persecution or serious harm?

### Consideration of issues

5.1.1 In general effective state protection is unlikely to be available.

5.1.2 Throughout Somalia there are structural weakness of the security services, including serious capacity and infrastructure gaps, logistical challenges, indiscipline, weak command and impunity for human rights abuses. This is alongside a largely non-functioning legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the widespread existence of corruption in state institutions. This means that, in general, a person is unlikely to be able to access effective protection from the state. No effective state protection is available for any inter-clan abuses and conflict.

5.1.3 Each case must however be considered on its individual facts and the assessment of whether effective protection is available should be considered in relation to the particular circumstances and profile of the person and the latest country of origin information.

### Policy summary

**Throughout Somalia the structural weakness of the security forces, the limitations of the legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the widespread existence of corruption in state institutions mean that in general claimants are unlikely to be able to access effective protection from the state.**

See country information on [actors of protection](#)

See country of origin information on [major clans or their sub-clans](#)

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## 5.2. Information

Updated to 3 March 2014

### South and central Somalia

5.2.1 E J Hoogendorn of the International Crisis Group in a testimony to the US Congress observed the interim Somali Federal Government (SFG) has:

‘... also developed a “Six Pillar” strategy that focuses on stability, economic recovery, peace building, international relations and national unity. Optimism led the international community... to recognise new [the] government and in September... pledged some \$2.5 billion in “New Deal” support that, conditioned on greater transparency and governance reforms, will go through the SFG. If allocated efficiently, this money could be a huge boon to the country and its people...

‘Despite all its goodwill, the SFG is still a provisional government, with de facto control only over Mogadishu and parts of the South, and dependent on foreign troops to keep its enemies at bay... remains an extremely poor country, the SFG generates very few of its own resources, and is largely dependent on the international community to pay its security forces and begin the difficult and very expensive task of rebuilding after nearly 20 years of state collapse. A lot of the taxes and fees on trade transiting through ports and airports (the major sources of official revenue) is still “captured” by corrupt officials and local clans and businessmen. Furthermore, the international community has pumped hundreds of millions of dollars into security sector reform since 2000, with little tangible positive impact and arguably exacerbated instability. Security in Mogadishu, and elsewhere, remains dependent on AMISOM, and will likely for some time to come. Yet AMISOM alone, with some 17,000 troops cannot pacify an area the size of New Mexico. The government also cannot stabilise Somalia through military measures alone—it cannot impose a peace—it must recognise its limitations and accept that stability is only possible through a nationwide process of negotiation, power sharing with other political forces and improved governance. Al-Shabaab also remains a potent threat [and]... is a serious regional threat and has links to other extremist groups in the Horn and the continent. “Hard” counter-terrorist measures can only be so good, it will be extremely difficult for regional states, the SFG and AMISOM to protect soft targets from terrorist attacks.’<sup>156</sup>

The reports of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, and the UN Secretary General to the Security Council, 31 May 2013, 3 September 2013, 2 December 2013 and 3 March 2014 provide further detail on the political developments.

### Somali police and national forces

5.2.2 The police forces fall under regional administrations and the SFG. At the end of 2013, the federal police was present in all 16 districts in Mogadishu. ‘Police officers in Mogadishu often owed their positions largely to clan and familial links rather than to government authorities.’<sup>157</sup> In a report of 3 September 2013, the UN Secretary General stated that the Somali National Forces (SNF) were estimated to have 20,000 personnel

<sup>156</sup> International Crisis Group, Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward, 8 October 2013, [http://www.ecoi.net/local\\_link/260196/373047\\_en.html](http://www.ecoi.net/local_link/260196/373047_en.html).

<sup>157</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](http://www.state.gov/Country-Reports-on-Human-Rights-Practices-for-2013-Somalia), 27 February 2014, Section 1d

including allied militias. The African Union Mission to Somalia (AMISOM) provided mentoring and limited training to the SNF and police, and conducted joint operations with them.<sup>158</sup>

## Effectiveness of the security forces

### 5.2.3 The US State Department observed that:

‘Civilian authorities generally did not maintain effective control of security forces, and police were generally ineffective. Many rural areas in the south-central region remained under the control of al-Shabaab and its affiliated militias. In other areas of the southern and central regions, the army and allied militias assumed local police duties. Security forces abused civilians. Authorities rarely investigated abuse by police, army, or militia members, and the culture of impunity remained a problem. The Ministry of Defense’s control over the army remained tenuous, but improved somewhat with the support of international partners.’<sup>159</sup>

5.2.4 The police faced ‘asymmetric attacks and serious capacity gaps, including in basic equipment, infrastructure and management undermining its ability to respond to local needs.’<sup>160</sup> While there has been international support on stipends and training a ‘... lack of coherence undermines... [police] effectiveness in some instances’.<sup>161</sup> The SNF ‘... continued to face significant logistical challenges, including lack of critical combat equipment and transport.’ Additionally, indiscipline continued to present a challenge, and there were reports between May and August 2013 of clashes within Somali security forces in Baidoa and Buurhakaba, and an increasing number of desertions in Bay and Bakool.<sup>162</sup> The US State Department noted during 2012 that, ‘With the expulsion of al-Shabaab from many of the larger towns, local police duties fell to [Somali National Army] and allied militia. Command and control of federal police was limited, and the police forces lacked the basic infrastructure and logistical support needed to become more effective.’<sup>163</sup>

5.2.5 A fact-finding mission conducted by the Swedish Migration Board (SMB) in June 2012 were told that individuals cannot report to the police, there is very little police activity, the police are corrupt, and the chain of command within the police is not upheld. In some areas, the militias act as police. There are about 10,000 militiamen in Mogadishu who are not formally integrated into government forces. There are local militias governed by District Commissioners who perform police duties. There are about 6,000 police officers and about 12,000 men in the army. There are 6,000 police officers on the payroll, but in reality there are not as many police officers as that in Mogadishu. Those which exist are

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<sup>158</sup> UN, Report of the Secretary-General on Somalia, 3 September 2013, para 29-30, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2013\\_521.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf),

<sup>159</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](http://www.state.gov/Country-Reports-on-Human-Rights-Practices-for-2013-Somalia), 27 February 2014, Section 1d

<sup>160</sup> UN, Report of the Secretary-General on Somalia, 3 September 2013, para 31, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2013\\_521.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf)

<sup>161</sup> UN, Report of the Secretary-General on Somalia 3 September 2013, para 31, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2013\\_521.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf)

<sup>162</sup> UN, Report of the Secretary-General on Somalia 3 September 2013, para 30, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2013\\_521.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf)

<sup>163</sup> U.S. Department of State, Country Reports on Human Rights Practices for 2012, 19 April 2013, Section 1a, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204165#wrapper>

poorly armed, do not have sufficient access to vehicles and are not committed to their work.<sup>164</sup> The SMG considered on the information presented that 'The individual cannot rely on the rule of law when dealing with the authorities but must, when deciding whether to make a report to the police or not, take into consideration that the victim has to pay for the alleged perpetrator's subsistence when being detained and the costs for the police' investigation of the case, as well as the fact that the alleged perpetrator can be brought out of detention or jail. This means a cost for the victim and can as well mean a risk to the victim when the perpetrator is let out.'<sup>165</sup>

5.2.6 Gains by AMISOM and the Somali security forces have reduced the area controlled by al-Shabaab, but the new government has yet to provide viable policing and justice systems in their place.<sup>166</sup> The UNHCR noted in its position paper in January 2014 that '... a reported lack of authority, discipline and control of government forces and allied armed groups means that government forces often fail to provide protection or security for civilians and are themselves a source of insecurity. Security agencies, such as the police and intelligence services, are, according to reports, frequently infiltrated by common criminal, radical, or insurgent elements.'<sup>167</sup> Further stating that:

'The capacity of the SNSF is reported to remain limited, with an undeveloped national command and control system, competing clan-based loyalties, limited equipment and resources, and discipline concerns. Nearly the entire police force is based in Mogadishu and remains too weak to take over from military forces the functions of guaranteeing public security. Outside of Mogadishu, in some urban areas of Southern and Central Somalia under the control of government forces or AMISOM troops, local security arrangements are reported to exist, albeit with varying capacities and loyalties to the SFG.'<sup>168</sup>

5.2.7 In an October 2013 report Amnesty International considered that:

'In Mogadishu there is ongoing violence through both indiscriminate and targeted attacks. Civilians continue to face extreme insecurity, characterized by physical violence, killings, rape and extortion. Government forces and aligned militia are failing to protect the civilian population from abuse, and some members of these forces are themselves responsible for violations and abuses, in part as a result of poor discipline and weak command control. This, and the extremely limited capacity of the Somali National Armed Forces (SNAF) which relies heavily on the African Union Mission to Somalia (AMISOM), renders them incapable of providing protection and security to civilians.'<sup>169</sup>

See also section 2.2, 'Performance of police and security forces', of the report of the [Danish Immigration Service and Landinfo Fact Finding Mission of November 2013.](#)

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<sup>164</sup> Swedish Migration Board (LIFOS), Government and Clan system in Somalia, Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013. Section 3.1.1 <http://lifos.migrationsverket.se/dokument?documentSummaryId=29575>

<sup>165</sup> [Government and Clan system in Somalia, Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, 5.1 Lifos's comment- the interaction between the authorities and the clan system, 5.1.1. Mogadishu](#)

<sup>166</sup> UK Foreign and Commonwealth Office, Human Rights and Democracy 2012: The 2012 Foreign & Commonwealth Office Report - Section IX: Human Rights in Countries of Concern – April 2013, Access to justice and rule of law, <http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/somalia/>, Date accessed 15 November 2013

<sup>167</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, January 2014, 5. The Security Situation and Its Impact on Civilians in Mogadishu and Other Area

<sup>168</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, January 2014, 5. The Security Situation and Its Impact on Civilians in Mogadishu and Other Area

<sup>169</sup> [Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013](#)

## Human rights violations and impunity

- 5.2.8 The USSD report 2012 stated, '[A]s in previous years, there were media reports troops fired on civilians and engaged in arbitrary arrests and detention, extortion, looting, and harassment. The TFG and its allied militias also committed arbitrary killings, torture and sexual and gender-based violence in IDP camps.'<sup>170</sup> The UN Secretary General reported in May 2013 that abuses by undisciplined elements of the Somali National Security Forces against civilians continue to be reported although these are said to have decreased in recent times. Government forces were also alleged to have participated in numerous extrajudicial killings in Mogadishu in March 2013. Longstanding clan enmity between local militias and government troops led to several fatal clashes on 22, 25 and 28 March 2013 in Marka, while disputes over political control caused strife in Kismaayo and to a lesser extent in Baidoa.<sup>171</sup>
- 5.2.9 The US State Department commenting on 2013 noted that in '... general impunity remained the norm. Governmental authorities took minimal steps to prosecute and punish officials who committed abuses, particularly military and police officials accused of committing rape, killings, and extortion of civilians.'<sup>172</sup> Integrated Regional Information Networks (IRIN) reported that the Somali government is also grappling with acts of criminality by its armed forces. Several hours after the execution of three soldiers for killing civilians on 21 February 2013, the chairman of Somalia's Supreme Military Court, Hassan Mohamed Hussein Mungab, told IRIN: "We will not tolerate killers and rapists within the armed forces. We will kill them because they denied the very people they were supposed to protect the right to life."<sup>173</sup>
- 5.2.10 According to the July 2013 report from the UN Monitoring Group on Somalia and Eritrea, '... it is difficult to ascertain the extent to which pro-Government elements use disproportionate or indiscriminate force in the conduct of hostilities, bringing harm to civilians. In addition to the risks of crossfire, protection of civilians is further complicated by the lack of coherent structure and effective command and control within the Somali National Security Forces, which are composed of loosely assembled units and militias. In fact, Government forces and affiliated militias have committed a range of abuses against civilians, including looting in civilian areas, as well as arbitrary arrests and detentions, often for purposes of extortion.'<sup>174</sup>
- 5.2.11 According to the 2014 UNHCR position paper, 'The new Somali government has had a mixed record in addressing the difficult situation in areas under its control. It has made public commitments to tackling abuses, reforming the security sector, and holding its forces to account, including for sexual violence. But concrete changes have reportedly been "minimal". Reports indicate furthermore that law enforcement is conducted largely at local levels, while there is very little oversight from the State and the underlying legal

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<sup>170</sup> U.S. Department of State, Country Reports on Human Rights Practices for 2012, 19 April 2013, Section 1a, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dldid=204165#wrapper>

<sup>171</sup> UN, Report of the Secretary-General on Somalia 31 May 2013, para 15  
[http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/326](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326)

<sup>172</sup> US Department of State, [www.state.gov](http://www.state.gov), Country Reports on Human Rights Practices for 2013, Somalia, 27 February 2014, Executive summary

<sup>173</sup> IRIN, Briefing: In Somalia, relative peace belies rocky road ahead, 26 March 2013, <http://www.irinnews.org/Report/97734/Briefing-In-Somalia-relative-peace-belies-rocky-road-ahead>

<sup>174</sup> UN, Report of the Monitoring Group on Somalia and Eritrea (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013 paragraph 131

framework remains inadequate.<sup>175</sup> The UN reported that, 'The Federal Government reiterated its intention to pursue a policy of "zero tolerance of all forms of human rights violations". However, effective protection of human rights in Somalia continues to be impeded by a lack of strong rule of law institutions.'<sup>176</sup>

5.2.12 The FCO noted in its annual report of 2012 that both the pro government and opposition forces have been responsible for civilian casualties. AMISOM troops have had training on international humanitarian law, which included in particular the need to protect civilians. On 6 August 2012, the UN and the transitional government signed an action plan committing the Somali National Armed Forces, allied militia and military groups under its control to end the killing and maiming of children and to uphold international law and safeguard the rights of citizens in Somalia. This followed the signing by the transitional government and the UN in July of the first action plan, to end the recruitment and use of children by the Somali National Armed Forces.<sup>177</sup>

5.2.13 A joint Danish – Norwegian fact-finding mission in April and May 2013 were informed that that protection for those at risk of being targeted by al-Shabaab in Mogadishu is generally based on hiring soldiers or police officers. This is actually what many NGOs, politicians, businessmen and other exposed groups are doing. Ordinary people will not have this kind of protection available to them, and sometimes for them even being seen next to a soldier will warrant threats or unnecessary attention; this further creates the gap where civilians do not want to seek security from government, where being seen with them will only cause more trouble and in actuality there is a limit as to how much support the government soldiers and police can give you. Regarding crime it was explained that if a person is a victim of crime he or she may go to the police, but is it uncertain whether the police will take any action or not.<sup>178</sup>

5.2.14 UNHCR Somalia, interviewed in the February 2012 Danish Immigration Service Fact-Finding Mission, '... in general, police forces are unable to protect minorities in South and Central Somalia, and there is no reason to believe that this will change in a foreseeable future.'<sup>179</sup> Human Rights Watch noted that, 'According to a UN official, denial of rape is one of the main obstacles to tackling the culture of impunity surrounding the abuse. Local NGOs and UN agency staff told Human Rights Watch that the police are reluctant to arrest clan militia, particularly those linked to district commissioners. While Human Rights Watch was not able to corroborate this allegation, independent analyses and investigations have shown that it is not unusual that police from majority clans are unwilling to act on allegations brought to them by victims from weaker clans or minorities.'<sup>180</sup> According to an October 2013 Amnesty International report, 'Clan rivalries

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<sup>175</sup> [UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia 17 January 2014, p7 B. Governance and Rule of Law in Mogadishu and Other Areas of Southern and Central Somalia](#)

<sup>176</sup> [UN, Report of the Secretary-General on Somalia, 3 September 2013, para 38](#)

<sup>177</sup> UK Foreign and Commonwealth Office, Human Rights and Democracy 2012: The 2012 Foreign & Commonwealth Office Report - Section IX: Human Rights in Countries of Concern – Somalia. April 2013. <http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/somalia/>

<sup>178</sup> Danish Immigration Service/Landinfo, May 2013, 2 Protection and livelihood issues in Mogadishu, 2.1 Clan protection. [http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security\\_and\\_protection\\_in\\_somalia\\_may\\_2013.pdf](http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf)

<sup>179</sup> [Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu; Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia; 30 January to 19 February 2012, April 2012, 5.1 Clan Protection](#)

<sup>180</sup> [Human Rights Watch, Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, Somalia, 29 March 2013, Government Response](#)

are evident, and many militias who have now been integrated into the Somali National Armed Forces continue to owe their loyalty to their clan leaders and groups.<sup>181</sup>

## Rule of law and the judiciary

5.2.15 The US State Department observed that the judiciary in south and central Somalia remained largely non-functioning while there was no functioning formal judicial system in al-Shabaab-controlled areas and in sharia courts defendants generally were not given the right to defend themselves, produce witnesses, or be represented by a lawyer. It also noted:

‘Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of traditional and customary law, sharia, and formal law... Traditional clan elders mediated conflicts throughout the country. Clans frequently used traditional justice, which was swiftly applied. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.’<sup>182</sup>

5.2.16 The Foreign and Commonwealth Office human rights report covering 2012 noted that law enforcement was largely conducted at local and clan level and is a mixture of three tiers of justice: jurisprudence inherited from colonial times, Sharia Law and clan or customary law. There is minimal oversight from the state. There are a few state courts in Mogadishu but the underlying legal framework is inadequate. There have been continued reports of serious abuses in al-Shabaab-controlled areas including summary executions, unlawful arrest, flogging, stoning and amputation. Gains by AMISOM and the SNSF have reduced the area controlled by al-Shabaab, but the new government has yet to provide viable policing and justice systems in their place. Embedding an effective system of justice across the country is one of the President Hassan Sheikh Mohamud’s top priorities. (FCO, April 2013).<sup>183</sup> The Danish Immigration Service and Landinfo fact-finding mission (FFM) in April and May 2013 were informed by UNHCR-Somalia, Mogadishu, that it will not be any time soon that one will see a functioning, fair and efficient justice system in Mogadishu.<sup>184</sup>

5.2.17 According to the August 2013 Independent Expert on the situation of human rights in Somalia, ‘Areas requiring attention include, inter alia, the prevalence of military courts with extensive adjudication of civilian cases by the military; poor access to justice in newly stabilized areas; formal court systems functioning with scarce resources; informal systems functioning without oversight and with no structured appeals to the formal justice systems; lack of judicial independence; vulnerability of the judiciary to political interference from the executive branch; and poor security for judges, lawyers and court personnel, with targeted assassinations of lawmakers and judges.’<sup>185</sup> The December 2013 report of the UN Secretary-General noted that ‘Members of the Somali judiciary and Government have repeatedly cited the lack of security as an inhibiting factor in the

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<sup>181</sup> [Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013](#)

<sup>182</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, Section 1e

<sup>183</sup> UK Foreign and Commonwealth Office, April 2013, Somalia, Access to justice and rule of law, <http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/somalia/>

<sup>184</sup> Danish Immigration Service/Landinfo, May 2013, 4 The formal justice system, customary law and property issues, 4.1 Justice system, [http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security\\_and\\_protection\\_in\\_somalia\\_may\\_2013.pdf](http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf) Date accessed 15 November 2013

<sup>185</sup> [UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013 paragraph 19](#)

execution of their functions, including the hearing of cases in the civilian court system. Consequently, military courts continue to try cases relating to Al-Shabaab.<sup>186</sup>

5.2.18 The UNHCR paper of January 2014 observed that:

‘The influence of the traditional system of justice has declined due to the strict interpretation of Sharia law being implemented by Al-Shabaab in areas under its control, leaving less room for the role of customary law and protection based on negotiation among clan elders... There is, furthermore, no functioning, organized system of criminal justice in Southern and Central Somalia; nor is there any recognized or established authority to administer a uniform application of due process – enforcement of criminal law is reported to be haphazard to non-existent.’<sup>187</sup>

## Somaliland

5.2.19 The US State Department noted that, ‘In Somaliland functional courts existed, although there was a serious shortage of trained judges and legal documentation upon which to build judicial precedent. There was reportedly widespread interference in the judicial process by officials. International NGOs reported local officials often interfered in legal matters and the public order law was often invoked to detain and incarcerate persons without trial.’<sup>188</sup>

For information about the police force and judicial system see:

[Swedish Migration Board, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, dated 5 March 2013. Section 3.4](#)

[US State Department, Country Reports on Human Rights Practices for 2012: Somalia, 19 April 2013; and Country Reports on Human Rights Practices for 2012: Somalia, 27 February 2014](#)

## Puntland

5.2.20 The US State Department observed, ‘In Puntland there were reports the administration intervened in and influenced cases, particularly those involving journalists. Despite these courts having some functionality, they lacked the capacity to provide equal protection under the law.’<sup>189</sup>

For information about the police force and judicial system see:

[Swedish Migration Board, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, dated 5 March 2013. Sections 3.3 and 3.5](#)

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<sup>186</sup> [UN, Report of the Secretary-General on Somalia, 2 December 2013, paragraph 14](#)

<sup>187</sup> [UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, January 2014, p7](#)

<sup>188</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, section 1e

<sup>189</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, section 1e

US State Department, Country Reports on Human Rights Practices for 2012: Somalia, 19 April 2013, and Country Reports on Human Rights Practices for 2012: Somalia, 27 February 2014

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# 6. Internal relocation

## 6.1. Guidance

### Specific issues

- Where a person does have a well founded fear in their home area, is there is a part of Somalia where the person would not have a well founded fear that they can go to and reasonably be expected to stay?

### Consideration

#### Mogadishu

6.1.1 It may be reasonable to expect a person from outside Mogadishu to relocate to Mogadishu, particularly where strong family networks and clan protection exists. This will depend on the particular circumstances of the person concerned.

- 6.1.2 Even where such support and protection exists, careful consideration must be given to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person. The decision maker will need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the claimant, as well as the security, human rights and socio-economic conditions in Mogadishu.
- 6.1.3 Where traditional protection mechanisms do not exist, it is likely that the person will find themselves in a situation comparable to that of urban IDPs in Mogadishu. Under these circumstances the decision maker must assess the reasonableness of the internal relocation taking into account the scale of internal displacement in the area and the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to a range of serious human rights abuses.
- 6.1.4 IDPs in the context of Somalia and Mogadishu are not a homogenous group. The economic-social circumstances of these people can vary significantly [see para 485 of [AMM and others](#)]. Decision makers should therefore take care to assess any claim in which a person submits that they will be forced to become a vulnerable IDP on return to Mogadishu. Relevant factors will include a careful assessment of the person's gender; previous place of residence; their work skills profile (in the UK and Somalia/elsewhere); health; family/clan connections in Mogadishu; previous experience of living in an urban setting; education; humanitarian support to IDPs in Mogadishu and the impact of assisted voluntary return packages available to all voluntary returnees. It is accepted that the position of some of the most disadvantaged IDPs could likely lead to a breach of Article 3 on

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#); [Internal Relocation](#); and in the case of a female applicant, the AI on [Gender Issues in the Asylum Claim](#)

See country information on, [Freedom of movement and Security situation in south and central Somalia and Humanitarian situation](#)

See [AMM and others](#)

the basis of the threat of gender based violence.

- 6.1.5 The Upper Tribunal found in AMM and others (Nov 2011) that there is a general risk of Article 15(c) harm for those who are not well connected with 'powerful actors or belonging to a category of middle class or professional persons' (see paragraph 594) and also found that for someone at real risk in their home area in southern or central Somalia, an internal relocation alternative to Mogadishu was in general unlikely to be available, given the risk of indiscriminate violence in the city together with the humanitarian situation. Relocation to an IDP camp in the Afgoye Corridor would, as a general matter, likewise be unreasonable, unless there is evidence that the person concerned would be able to achieve the lifestyle of those better-off inhabitants of the Afgoye Corridor settlements (see paragraph 602 of determination).
- 6.1.6 However, there has been improvement in the security situation in Mogadishu since the Upper Tribunal promulgated its determination in AMM and others in November 2011. The situation in Mogadishu should no longer be regarded as presenting a general risk of Article 15(c) harm to all returnees; and internal relocation to Mogadishu may be reasonable depending on the facts of the case.

See Asylum Instructions on Considering the asylum claim and assessing credibility; Internal Relocation; and in the case of a female applicant, the AI on Gender Issues in the Asylum Claim

See country information on, Freedom of movement and, Security situation in south and central Somalia and Humanitarian situation

See AMM and others

### South and central Somalia (outside of Mogadishu)

6.1.7 In general, internal relocation to an area under the control of Al Shabab is not a viable alternative. Internal relocation to an area of south and central Somalia which is not under the control of Al Shabab may be viable. This will depend on the personal circumstances of the person as well as careful assessment of the reasonableness of reaching the area of prospective relocation - taking into account the changing dynamics of the armed conflict, the possible risk of travel by land across southern and central Somalia and famine conditions.

- 6.1.8 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person. The decision maker must consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. The decision maker will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including the person's ability to sustain themselves.
- 6.1.9 The Upper Tribunal found in AMM and others that internal relocation to an area controlled by Al Shabab is not feasible for a person who has had no history of living under Al Shabab in that area and is in general unlikely to be a reasonable proposition for someone who has had such a history. (see paragraphs 598-601).

6.1.10 For areas of south and central Somalia which are not under the control of Al Shabab, [AMM and others](#) found that family and/or clan connections may have an important part to play in determining the reasonableness of a proposed place of relocation. Travel by land across southern and central Somalia to a home area or proposed place of relocation may well, in general, pose real risks of serious harm, not only from Al Shabab checkpoints but also as a result of the present famine conditions. Women travelling without male friends or relatives are in general likely to face a real risk of sexual violence (see paragraphs 604-605).

See [AMM and others](#)

## Somaliland and Puntland

6.1.11 Internal relocation to Somaliland and Puntland from other areas of Somalia would only be viable for former residents or members of locally based clans or sub-clans.

6.1.12 The country guidance case of [AMM and others](#) did not give guidance on the position within Somaliland or Puntland. The Upper Tribunal did however note that there is no evidential basis for departing from the conclusion in [NM and others](#), that Somaliland and Puntland in general only accept back persons who were former residents of those regions and were members of locally based clans or sub-clans. A person from Somaliland will not, in general, be able - without real risk of serious harm - to travel overland from Mogadishu International Airport to a place where they might be able to obtain an unofficial travel document for the purposes of gaining entry to Somaliland, and then by land to Somaliland. This is particularly the case if the person is female. A proposed return by air to Hargeisa, Somaliland (whether or not via Mogadishu International Airport) will in general involve no such risks (see paragraphs 607-608).

See [major clans or their sub-clans](#)

## Policy summary

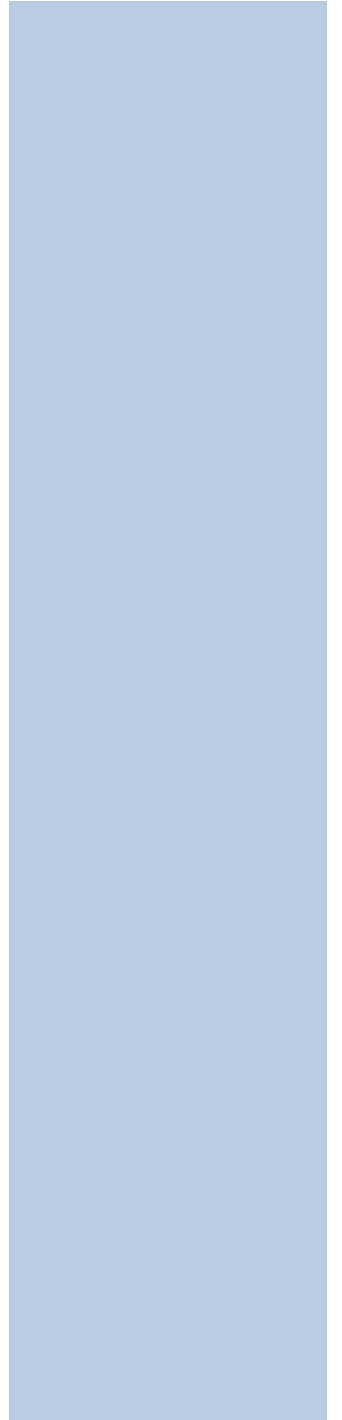
**In general internal relocation to Mogadishu is likely to be a viable option particularly where strong family networks and clan protection exists, depending on the particular circumstances of the person concerned.**

**In general internal relocation to an area under the control of Al Shabab is not likely to be a viable option unless the person has clan links with the Al Shabab in that area and a history of living under Al Shabab.**

**Internal relocation to an area of south and central Somalia which is not under the control of Al Shabab may be a viable option depending on the personal circumstances of the person and their ability to safely get to the area.**

**Internal relocation to Somaliland and Puntland from other areas of Somalia would only be viable for former residents or members of locally based clans or sub-clans.**

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## 6.2. Information

Updated to 3 March 2014

### Freedom of Movement

#### South and central Somalia (including Mogadishu)

- 6.2.1 During 2013 there were checkpoints operated by government forces, allied groups, armed militias, clan factions, and al-Shabaab which inhibited movement and 'exposed citizens to looting, extortion, harassment, and violence.'<sup>190</sup>
- 6.2.2 Information obtained by a joint Danish–Norwegian fact-finding mission in April and May 2013 whilst speaking to UNHCR-Somalia and a representative from the Danish Refugee Council indicated that freedom of movement in Mogadishu has been improving. According to UNHCR-Somalia there have not been any recent reports of the existence of illegal checkpoints in Mogadishu since January/February 2013. UNHCR-Somalia stated that there has not been any recent reports of serious incidents, although incidents of harassment of civilians especially along the Afgoye-Mogadishu road were commonly reported. The United Nations Department of Safety and Security considered that there are still some illegal checkpoints in Mogadishu and Lower Shabelle and there have been a few reports of travellers being executed by al-Shabaab when it suspected someone to be a government affiliated person. The Elman Peace and Human Rights Centre explained that whilst checkpoints have disappeared throughout Mogadishu, 'new ones have been established in the outskirts of Mogadishu' where 'harassment, extortions and other violations' have taken place by SNAF soldiers. It further noted that, 'When government forces are patrolling the streets, armed militias are not able to establish [illegal] checkpoints. However, once the government forces are out of sight, such [illegal] checkpoints appear.'<sup>191</sup>
- 6.2.3 According to representatives of an international agency, ordinary civilians (i.e. people not working for the SNG), are able to travel between Mogadishu and Kismayo, Baidoa, Jowhar and Afgoye. They mostly travel by bus and there are now fewer checkpoints along the Mogadishu–Kismayo road. There are no checkpoints between Mogadishu and Baidoa. However, there is no guarantee against ambushes along the road, carried out by al-Shabaab or by ordinary criminals. The representatives of an international agency, Mogadishu, confirmed that al-Shabaab will kill anyone it suspects is working for the SNG or the international community. It also noted that the road between Mogadishu and Kismayo is not safe all the way.<sup>192</sup>
- 6.2.4 A representative of the Elman Peace and Human Rights Centre stated that 'A well-known person or a person 'looking a bit westernised' may be at severe risk if al-Shabaab stops the vehicle. However, ordinary people will travel by bus or other transportation

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<sup>190</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](http://www.state.gov/Country-Reports-on-Human-Rights-Practices-for-2013/Somalia), 27 February 2014, section 2d

<sup>191</sup> Danish Immigration Service /Laindinfo, Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 16 April to 7 May 2013, May 2013, pages 49–50, [http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security\\_and\\_protection\\_in\\_somalia\\_may\\_2013.pdf](http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf)

<sup>192</sup> Danish Immigration Service /Laindinfo, [Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia](http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf), 16 April to 7 May 2013, May 2013, pages 49–50

along these roads as well as to other locations in south and central Somalia, irrespective of whether al-Shabaab is in control of the area.<sup>193</sup>

#### 6.2.5 Amnesty International observed in May 2013 that:

‘People who have fled their homes to seek refuge elsewhere face a real risk of becoming victims of robberies, violence, extortion and sometimes sexual violence including rape, while making their journey. While it is difficult to identify the perpetrators, it is believed that government forces and allied militia, as well as criminal groups are responsible for these attacks. Al-Shabaab also commits abuses against civilians who are journeying between locations... There have been reports of al-Shabab ‘arrests’ of people travelling to or returning from areas such as Mogadishu. Extortion and at times violence takes place at checkpoints, including on main exit and entry points to towns under government control. These are controlled by government security forces and proxy militias, though al-Shabaab also put check points in areas under their control. Checkpoints are used to harass and extort money from civilians ... In light of the above, Amnesty International opposes any forcible returns to south and central Somalia in instances where the removing states are arguing that internal flight or relocation within south and central Somalia is a viable alternative for those returned there.’<sup>194</sup>

6.2.6 In September 2013, Amnesty International restated its opposition to any ‘... attempts to forcibly return people to the Somali capital, Mogadishu, and/or any other parts of south and central Somalia given the real risk of human rights violations and abuses due to limited government control, the significant presence of al-Shabab, and the ongoing armed conflict.’<sup>195</sup>

6.2.7 In January 2014, Dalsan Radio reported that demonstrations were held in Mogadishu against ‘increased roadblocks by armed groups on the main corridor between Afgoye and Mogadishu’, where armed men loot buses.<sup>196</sup> Human Rights Watch reported in 2014 that ‘... civilians were killed and wounded by crossfire, including during infighting between government soldiers over control of roadblocks.’<sup>197</sup>

6.2.8 The Internal Displacement Monitoring Centre (IDMC) reported in October 2013 about the deliberate restriction of movement of IDPs by gatekeepers who exercise control over virtually everything in IDP camps across Somalia and who either belong to the displaced community, are landowners or businesspeople connected to local powerbrokers.<sup>198</sup> Amnesty International similarly highlighted the problem of these ‘gatekeepers’ and the control they exert over IDPs.<sup>199</sup>

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<sup>193</sup> Danish Immigration Service /Laindinfo, Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 16 April to 7 May 2013, May 2013, pages 49–50, [http://www.nyidanmark.dk/NR/ronlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security\\_and\\_protection\\_in\\_somalia\\_may\\_2013.pdf](http://www.nyidanmark.dk/NR/ronlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf)

<sup>194</sup> Amnesty International, Returns to South and Central Somalia: A Violation of International Law, 15 May 2013, 15 May 2013, <http://www.amnesty.org/en/library/asset/AFR52/008/2013/en/8b625dc2-a10c-481b-8929-e4df581800cd/afr520082013en.html>

<sup>195</sup> [Amnesty International, Somalia: Mogadishu cannot qualify as an Internal Flight Alternative, 26 September 2013](#)

<sup>196</sup> [Dalsan Radio, Somalia: Bus Drivers Demonstrate Against Illegal Roadblocks, 25 January 2014](#)

<sup>197</sup> [Human Rights Watch, World Report 2014: Somalia, Abuses in Government-Controlled Areas, 21 January 2014](#)

<sup>198</sup> [Internal Displacement Monitoring Centre \(IDMC\), Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia, National and international Responses, 1 October 2013](#)

<sup>199</sup> [Amnesty International, Somalia: No place for the displaced: Forcible eviction of displaced communities, 13 September 2013](#)

6.2.9 In a letter dated 25 September 2013 in response to request for guidance, the UNHCR considered the possibility of internal relocation/flight alternative. It concluded that, in general, relocation into areas of south and central Somalia would not be relevant or reasonable. In regard to Mogadishu, the UNHCR considered this may be reasonable, given the prevailing security and humanitarian circumstances, only where:

‘... the individual can expect to benefit from meaningful nuclear and/or extended family support and clan protection mechanisms in the area of prospective relocation. When assessing the reasonableness of an IFA/IRA in Mogadishu in an individual case, it should be kept in mind that the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping mechanism in Mogadishu as they did in the past. Additionally, whether the members of the traditional networks are able to genuinely offer support to the applicant in practice also needs to be evaluated, especially given the fragile and complex situation in Mogadishu at present.’<sup>200</sup>

6.2.10 The report of the Danish immigration Service / Landinfo fact finding mission of 1 – 15 November 2013, stated:

‘An international NGO (C) explained that all checkpoints in Mogadishu are manned by government forces. They might take your mobile phone and such, but there are no clan militias at any checkpoint in the city, and none of Mogadishu’s 16 District Commissioners operates their own checkpoints. There might be some hidden ones, but no physical ones. There is complete freedom of movement in Mogadishu irrespective of your clan affiliation. There is taxation of busses and trucks at the checkpoints, but no individual is being taxed at any checkpoint.

‘Asked to comment on the freedom of movement for people in Mogadishu, an international organization (C) explained that there are more roadblocks now than before, and the roadblocks are bad. People feel vulnerable trying to go by all major roads leading to the airport, Villa Somalia etc., not only because of the roadblocks, but because the roads are dangerous. However, restrictions on movements are not related to any particular clan affiliation.

‘According to an international NGO (A) there could be personal issues involved in cases where people were hesitant to move into other areas [in Mogadishu], but personal issues tend to be clan related. There are areas in Mogadishu where people do not move, but whether this could be related to insecurity due to crime or the presence of al-Shabaab more than clan related issues, the international NGO (A) could not say for certain.

‘The international NGO (A) explained that there are restrictions on movement whenever there is a major incident since roads get closed and roadblocks come up, but apart from these incidents the international NGO (A) did not know whether ordinary people in Mogadishu have experienced lesser freedom of movement since May 2013 or not.

‘In the international NGOs (A) view, people would think twice before they move around in Mogadishu, but the NGO could not identify specific areas where people would not move due to their clan affiliation. It was added that it is unsure whether it is the security situation in itself in specific areas, or people’s clan affiliation which prevents them from going to other areas.

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<sup>200</sup> UNHCR, UNHCR letter to legal counsel re guidance on the application of IFA/IRA particularly in respect of Mogadishu, Somalia, 25 September 2013, paragraphs 27 & 28, <http://www.refworld.org/country,...,SOM,,524400964,0.html>

‘Regarding freedom of movement an international NGO (A) referred to an example concerning the restrictions of movement due to clan affiliation by explaining that one powerful DC in Mogadishu does not even have access to all areas in his district due to sub-clan issues. So it is difficult to see how an average person can move around freely.

‘Asked to comment on freedom of movement and clan affiliation, a Somali NGO in Mogadishu explained that clan affiliation in itself does not restrict people’s movements in the city, and neither the representative of the NGO nor her colleagues are afraid of moving around in Mogadishu.

‘The representative of the Somali NGO in Mogadishu explained that she had received one threat via her cell phone from al-Shabaab in 2011 during the drought, but since then she has not been threatened. It was added that people know how to avoid drawing too much attention, and they avoid going to areas known to have an al-Shabaab presence, like the Bakara-market, parts of Daynile district and the area around the livestock market. In general people stay away from areas known to be insecure, either because of al-Shabaab elements, criminals or militias.

‘The Somali NGO in Mogadishu explained that sometimes there are road blocks being set up in the city. This happens normally after an attack has taken place. However, the NGO is not affected by these attacks although freedom of movement can be restricted whenever there is an attack.

‘A well-informed journalist in Mogadishu stated that freedom of movement in Mogadishu may be controlled when security incidents like attacks by al-Shabaab occur or when there is an international conference or a similar event. Then some streets may be blocked and additional checkpoints may be set up. Besides this there are no limitations in the freedom of movement in the city. However, there could be difficulties at some checkpoints at night time, but during day time everyone can move freely around irrespective of clan affiliation and no one faces problems at any checkpoint. However, should you move into areas of the city where you are unknown you may be asked a few questions at the checkpoint. Thus it may be important that there are people in the area who know you and whom you can make a reference/call to. This is in order to avoid suspicion of being an al-Shabaab insurgent or agent.’<sup>201</sup>

For further information see section 5 of the report of the [Danish Immigration Service and Landinfo Fact Finding Mission of November 2013](#).

## Situation of returnees to south and central Somalia, including Mogadishu

6.2.11 In July 2013 that Al-Shabaab was harassing Somalis returning from Kenya by ‘instituting a campaign of intimidation ... roughing up the men and burning families’ belongings.’<sup>202</sup>The UNHCR position paper of January 2014 commented that:

‘For Somalis in Mogadishu, it is very difficult to survive without a support network, and newcomers to the city, particularly when they do not belong to the clans or nuclear families established in the district in question, or when they originate from an area formerly or presently controlled by an insurgent group, face a precarious existence in the capital. Somalis from the diaspora who have returned to Mogadishu in the course of 2013 are reported to belong to the more affluent sectors of society, with resources and

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<sup>201</sup> Danish Immigration Service/Landinfo , [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p62-63

<sup>202</sup> [Sabahi, Kenya: Al-Shabaab Harassing Somali Refugees Returning Home From Kenya, 24 July 2013](#)



economic and political connections. Many are reported to have a residence status abroad to fall back on in case of need. For some of the Somali returnees from Kenya, the main motivation for returning to Somalia in 2013 was fear of more reprisal attacks against them in Kenya and an overall sense of insecurity in Kenya. This was at a time when there was more optimism than before about Somalia as Al-Shabaab had been pushed out of Mogadishu and other towns in Southern and Central Somalia. Due in part to the return of wealthy Somalis from the diaspora, rents in Mogadishu have reached an all-time high, as a result of which some persons are being forced to move to overcrowded IDP camps because they cannot afford the new prices quoted by landlords ... In the case of Mogadishu, UNHCR considers that particular attention must be given to the extent to which the applicant can expect to receive genuine support from his or her immediate family or clan in the context of the general weakening of traditional protection mechanisms; availability of basic infrastructure and access to essential services in the proposed area of relocation; access to shelter in the proposed area of relocation; and the presence of livelihood opportunities. Where the proposed area of relocation is an urban area where the applicant has no access to preidentified accommodation and livelihood options, and where he/she cannot be reasonably expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs. Under these circumstances, to assess the reasonableness of the IFA/IRA, adjudicators need to take into account the scale of internal displacement in the area of prospective relocation, and the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to various human rights abuses, including forced evictions.<sup>203</sup>

6.2.12 The UNHCR further considered in its position paper of January 2014 with regards to Southern and Central Somalia that

‘In light of the available evidence of serious and widespread human rights abuses by Al-Shabaab and/or other militias or armed groups in areas under their control in Southern and Central Somalia, as well as the inability of the SFG to provide protection against such abuses in these areas, UNHCR considers that an IFA/IRA is not available in areas of the country under control of Al Shabaab or allied non-State agents, with the possible exception of individuals who may have ties with the leadership of these groups or persons who are otherwise influential within these groups in the proposed area of relocation in Southern and Central Somalia.

‘Additionally, UNHCR considers that no IFA/IRA is available in areas affected by active conflict in Southern and Central Somalia, regardless of the actor of persecution

‘Where the agents of persecution are non-State agents, consideration must be given to whether the persecutor is likely to pursue the claimant in the proposed area of relocation. Given the wide geographic reach of Al-Shabaab, a viable IFA/IRA may not be available to individuals at risk of being targeted by Al-Shabaab. Although the government holds some key towns in Southern and Central Somalia, its reliance on AMISOM means that the territorial gains and level of control are generally assessed to be fragile and cannot be considered as sustainable or durable. It is particularly important to note the operational capacity of Al-Shabaab to carry out attacks in all parts of Southern and Central Somalia, including Mogadishu and other areas not under its territorial control, as evidenced by recent reports on high profile complex attacks in urban areas under the effective control of pro-government forces.

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<sup>203</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, , January 2014, p9 and 14

'In relation to consideration of IFA/IRA for Somalis fleeing persecution or serious harm by Al-Shabaab, protection from the State is generally not available in Mogadishu even though the city is under control of government forces supported by AMISOM troops. This applies in particular to Somalis who can be presumed to be on Al-Shabaab's hit list'.<sup>204</sup>

6.2.13 Human Rights Watch reported in November 2013 on the return of a failed asylum seeker from the Netherlands to Mogadishu who was injured in an attack on a hotel in central Mogadishu.<sup>205</sup> Human Rights Watch stated that:

'People like Said the returnee] are particularly at risk from Somalia's ongoing instability and violence. A failed asylum seeker, the 26-year-old had not set foot in Somalia for two decades when the Dutch sent him back, and he had never been to Mogadishu. Said says he was born in the embattled city of Kismayo, in southern Somalia, and with no close relatives or friends to turn to in Mogadishu, his survival in the capital is precarious.

'Without a local support network and not streetwise, people like Said lack the survival skills needed in today's Somalia. They risk joining Mogadishu's tens of thousands of internally displaced people who face serious abuse from those keen to prey on their vulnerability. It is a population the Somali government, despite initial good intentions, is failing to protect.'<sup>206</sup>

6.2.14 Amnesty International in its briefing, Mogadishu cannot qualify as an Internal Flight Alternative, of 26 September 2013, considered that:

'People returning to Somalia from overseas are extremely vulnerable unless they have strong clan and family connections, as well as the economic means to establish a life. Somalis that have left, particularly those that have been in western countries, tend to be viewed as foreigners, and may be perceived to have western agendas. This in itself puts them at an increased risk of persecution. Economically, they are often seen as people who can be manipulated and coerced, particularly if they lack the clan protection that is essential for their survival and protection.'<sup>207</sup>

6.2.15 The report of the Danish Immigration Service and Landinfo Fact Finding Mission of November 2013 noted the following

'Depending on individual circumstances, in order for someone to settle in Mogadishu, UNHCR emphasized that, in principle, you need access to clan protection (for security) and nuclear family (for livelihood support). It was emphasized by UNHCR that a person's extended family will not be able to provide sufficient support in Mogadishu, unlike other parts of Somalia. People who arrive in Mogadishu can stay perhaps for a few days with their extended family, but not as a long-term solution in terms of accommodation and access to livelihoods.

'UNHCR explained that a person's profile, including access to clan protection and nuclear family (for livelihood support), is important in relation to that person's prospect for security and survival in Mogadishu.

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<sup>204</sup> [UNHCR](#), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, C. The Role of the Clan in Providing Traditional Forms of Protection in Mogadishu and Other Areas of Southern and Central Somalia and C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative, January 2014

<sup>205</sup> [Human Rights Watch, Dispatches: Deported to Danger in Somalia, 19 November 2013](#)

<sup>206</sup> [Human Rights Watch, Dispatches: Deported to Danger in Somalia, 19 November 2013](#)

<sup>207</sup> [Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013](#)

‘When asked what a person would need in order to reestablish in Mogadishu an international NGO (A) explained that a person from Mogadishu with relatives living in the city would be accommodated by hers or his family. Support from the host community should also be considered. However, if you are not from Mogadishu you would need sufficient funds. Education and skills and a cash grant in order to start up business would also be an advantage, and local NGOs could also assist. It was added that Somali families are extended families with even fourth or fifth cousin being counted in. Another important aspect is the strong solidarity among Somalis which will ensure support to family members in need.

‘Having mentioned the possible support from local NGOs the international NGO (A) explained that these NGOs have limited resources and cannot assist a huge number of people in need. In a Mogadishu context however the basic condition is the support of the immediate family.

‘The international NGO (A) emphasized that it could be dangerous to return people from abroad to areas where they do not have the protection of their own sub sub-clan, since that might put them in danger. The international NGO (A) specifically mentioned that it is crucial that repatriated people should be returning to areas where they have nuclear family, not only clan affiliates. It is quite similar since family and clan are related. In particular, for Mogadishu, the international NGO (A) would not recommend returning anyone to Mogadishu who does not have immediate family located in Mogadishu as well as clan protection.

‘Asked to explain what would be needed in order for people to reestablish in Mogadishu, an international organization (C) explained that money and the support of the extended family to a certain degree is necessary. However just having an extended family present in Mogadishu is not sufficient. People living outside Somalia would also be expected to have stayed in contact with the family in Mogadishu.

‘When asked if there are individuals who will need protection when they arrive in Mogadishu for the first time an international NGO (C) stated that one cannot exclude this to be the case for for instance a minority group member returning to the city. However, there is an increasing improvement of security in the city, and if someone would make a list of the positive developments that have occurred since April 2013 the list would be much longer than a list of negative developments.

‘A Diaspora researcher in Mogadishu explained that people returning from abroad for instance would need assistance to find accommodation in a safe area. If your family has a house in Hurriwa you would not stay there because of al-Shabaab, so you would need to stay in a safer area, for instance KM 4 or KM 5 area, however accommodation is very expensive in those areas.

‘On the question of what kind of support system or network one would need in order to reestablish oneself in Mogadishu, an international NGO (B) stated that if people had networks in the city they would not have left the city in the first place.

‘Regarding housing and security in Mogadishu a well-informed journalist in Mogadishu explained that housing prices and house rentals may vary, mainly according to the security situation in the 16 districts of the city. As an example of this the source compared the districts of Hurriwa and Waberi. In the outlying district of Hurriwa you may rent a five room villa for approximately 100 USD per month, while the same size villa in

Waberi district (near the international airport and the AMISOM controlled area) may cost up to 400 USD in rent per month.<sup>208</sup>

For more information on returns to Mogadishu and south central Somalia, including facilitated to returns, see section 3, 'Military and security developments in other areas of South/Central' of the [Danish Immigration Service and Landinfo Fact Finding Mission of October 2012](#), and see section 2.2, 'Needs in order to settle or re-establish in Mogadishu', and 2.4, 'Return to S/C Somalia', of the report of the [Danish Immigration Service and Landinfo Fact Finding Mission of November 2013](#)

For consideration of internal relocation to Mogadishu, see country information in [Security situation](#), subsection on Mogadishu, and [Humanitarian situation](#).

## Somaliland and Puntland

6.2.16 In its May 2010 Eligibility Guidelines, UNHCR considered that the generally deplorable living conditions of displaced persons in Puntland and Somaliland indicates that internal relocation was generally not available for individuals from southern and central Somalia in these territories. However, it also stated that whether an internal flight argument exists in Puntland or Somaliland will depend on the circumstances of the individual case, including whether the individual is a member of a majority or minority clan and whether the individual originates from the territory to which they are seeking to relocate.<sup>209</sup> The US State Department noted that, "Somaliland prohibited federal officials, including those of Somaliland origin, from entering Somaliland. It also prevented traditional elders in Somaliland from travelling to Mogadishu to participate in federal government processes."<sup>210</sup>

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<sup>208</sup> Danish Immigration Service / Landinfo, [Update on security and protection issues in Mogadishu and South-Central Somalia, 1 – 15 November 2013](#), released on 3 March 2014, p40-41

<sup>209</sup> UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, May 2010, E. Internal Flight or Relocation Alternative (IFA/IRA) <http://www.unhcr.org/refworld/docid/4be3b9142.html>

<sup>210</sup> US Department of State, [www.state.gov, Country Reports on Human Rights Practices for 2013, Somalia](#), 27 February 2014, section 2d

# 7. Map of Somalia



Map No. 3590 Rev. 10 UNITED NATIONS  
December 2011

Department of Field Support  
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United Nations, Cartographic Section, December 2011

Weblinks for other Somalia maps:

[OCHA, Somalia Administrative Map, 8 May 2012](#)

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To access additional maps on the humanitarian and security situation in Somalia please consult [Reliefweb, Somalia country page](#), which is updated regularly

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This section contains links to useful sources in addition to those referenced in modules 1-7. As a general reference for further sources, see the [Home Office Country of Origin Information report on Somalia](#), 5 August 2013.

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[Reliefweb – Somalia country page](#)

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## 9. Caselaw

### **K.A.B. v. Sweden - 886/11 - Chamber Judgment [2013] ECHR 814 (05 September 2013)**

European Court of Human Rights (ECtHR) found that ‘the most recent information suggests that the security situation in Mogadishu has improved since 2011 or the beginning of 2012.’ (para 87) The ECtHR noted that, ‘the human rights and security situation in Mogadishu is serious and fragile and in many ways unpredictable. However, in the light of the above, in particular the fact that al-Shabaab is no longer in power in the city, there is no front-line fighting or shelling any longer and the number of civilian casualties has gone down, it finds that the available country information does not indicate that the situation is, at present, of such a nature as to place everyone who is present in the city at a real risk of treatment contrary to Article 3 of the Convention. Therefore, the Court has to establish whether the applicant’s personal situation is such that his return to Somalia would contravene the relevant provisions of the Convention (para 91).’

### **AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 00445 (IAC) (28 November 2011).**

In its determination of 25 November 2011, the Upper Tribunal took full account of the European Court of Human Rights judgment in the case *Sufi & Elmi v UK* (see below) and gave the following country guidance:

#### ‘Mogadishu

1. Despite the withdrawal in early August 2011 of Al-Shabab conventional forces from at least most of Mogadishu, there remains in general a real risk of Article 15(c) harm for the majority of those returning to that city after a significant period of time abroad. Such a risk does not arise in the case of a person connected with powerful actors or belonging to a category of middle class or professional persons, who can live to a reasonable standard in circumstances where the Article 15(c) risk, which exists for the great majority of the population, does not apply.
2. The armed conflict in Mogadishu does not, however, pose a real risk of severe Article 3-level harm in respect of any person in that city, regardless of circumstances. The humanitarian crisis in southern and central Somalia has led to a declaration of famine in IDP camps in Mogadishu; but a returnee from the United Kingdom who is fit for work or has family connections may be able to avoid having to live in such a camp. A returnee may, nevertheless, face a real risk of Article 3 harm, by reason of his or her individual vulnerability.
3. Except as regards the issue of female genital mutilation (FGM), it is unlikely that a proposed return to Mogadishu at the present time will raise Refugee Convention issues.

#### Southern and central Somalia, outside Mogadishu

4. Outside Mogadishu, the fighting in southern and central Somalia is both sporadic and localised and is not such as to place every civilian in that part of the country at real risk of Article 15(c) harm. In individual cases, it will be necessary to establish where a person comes from and what the background information says is the present position in that place. If fighting is going on, that will have to be taken into account in deciding whether Article 15(c) is applicable. There is, likewise, no generalised current risk of Article 3 harm as a result of armed conflict.



5. In general, a returnee with no recent experience of living in Somalia will be at real risk of being subjected to treatment proscribed by Article 3 in an Al Shabab controlled area. 'No recent experience' means that the person concerned left Somalia before the rise of Al-Shabab in 2008. Even if a person has such experience, however, he or she will still be returning from the United Kingdom, with all the adverse assumptions likely to be made, so far as Al-Shabab perceptions are concerned, but he or she will be less likely to be readily identifiable as a returnee. Even if he or she were to be so identified, the evidence may point to the person having struck up some form of accommodation with Al-Shabab, whilst living under their rule. On the other hand, although having family in the Al-Shabab area of return may alleviate the risk, the rotating nature of Al-Shabab leadership and the fact that punishments are meted out in apparent disregard of local sensibilities mean that, in general, it cannot be said that the presence of family is likely to mean the risk ceases to be a real one.
6. Al-Shabab's reasons for imposing its requirements and restrictions, such as regarding manner of dress and spending of leisure time are religious and those who transgress are regarded as demonstrating that they remain in a state of kufr (apostasy). The same is true of those returnees who are identified as returning from the West. Accordingly, those at real risk of such Article 3 ill-treatment from Al-Shabab will in general be refugees, since the persecutory harm is likely to be inflicted on the basis of imputed religious opinion.
7. Although those with recent experience of living under Al-Shabab may be able to "play the game", in the sense of conforming with Al-Shabab's requirements and avoiding suspicion of apostasy, the extreme nature of the consequences facing anyone who might wish to refuse to conform (despite an ability to do so) is such as to attract the principle in RT (Zimbabwe). The result is that such people will also in general be at real risk of persecution by Al-Shabab for a Refugee Convention reason.
8. The same considerations apply to those who are reasonably likely to have to pass through Al-Shabab areas.
9. For someone at real risk in a home area in southern or central Somalia, an internal relocation alternative to Mogadishu is in general unlikely to be available, given the risk of indiscriminate violence in the city, together with the present humanitarian situation. Relocation to an IDP camp in the Afgoye Corridor will, as a general matter, likewise be unreasonable, unless there is evidence that the person concerned would be able to achieve the lifestyle of those better-off inhabitants of the Afgoye Corridor settlements.
10. Internal relocation to an area controlled by Al-Shabab is not feasible for a person who has had no history of living under Al-Shabab in that area (and is in general unlikely to be a reasonable proposition for someone who has had such a history). Internal relocation to an area not controlled by Al-Shabab is in general unlikely to be an option, if the place of proposed relocation is stricken by famine or near famine.
11. Within the context of these findings, family and/or clan connections may have an important part to play in determining the reasonableness of a proposed place of relocation. The importance of these connections is likely to grow if the nature of the present humanitarian crisis diminishes and if Al-Shabab continues to lose territory.
12. Travel by land across southern and central Somalia to a home area or proposed place of relocation is an issue that falls to be addressed in the course of determining claims to international protection. Such travel may well, in general, pose real risks of serious harm,

not only from Al-Shabab checkpoints but also as a result of the present famine conditions. Women travelling without male friends or relatives are in general likely to face a real risk of sexual violence.

13. An issue that may have implications for future Somali appeals is the availability of air travel within Somalia (including to Somaliland). Flying into Mogadishu International Airport is sufficiently safe. There is no evidence to indicate a real risk to commercial aircraft flying to other airports in Somalia.

### Somaliland and Puntland

14. The present appeals were not designed to be vehicles for giving country guidance on the position within Somaliland or Puntland. There is no evidential basis for departing from the conclusion in NM and others, that Somaliland and Puntland in general only accept back persons who were former residents of those regions and were members of locally based clans or sub-clans. In the context of Somali immigration to the United Kingdom, there is a close connection with Somaliland.
15. A person from Somaliland will not, in general, be able without real risk of serious harm to travel overland from Mogadishu International Airport to a place where he or she might be able to obtain an unofficial travel document for the purposes of gaining entry to Somaliland, and then by land to Somaliland. This is particularly the case if the person is female. A proposed return by air to Hargeisa, Somaliland (whether or not via Mogadishu International Airport) will in general involve no such risks.

### Female genital mutilation

16. The incidence of FGM in Somalia is universally agreed to be over 90%. The predominant type of FGM is the “pharaonic”, categorised by the World Health Organisation as Type III. The societal requirement for any girl or woman to undergo FGM is strong. In general, an uncircumcised, unmarried Somali woman, up to the age of 39, will be at real risk of suffering FGM.
17. The risk will be greatest in cases where both parents are in favour of FGM. Where both are opposed, the question of whether the risk will reach the requisite level will need to be determined by reference to the extent to which the parents are likely to be able to withstand the strong societal pressures. Unless the parents are from a socio-economic background that is likely to distance them from mainstream social attitudes, or there is some other particular feature of their case, the fact of parental opposition may well as a general matter be incapable of eliminating the real risk to the daughter that others (particularly relatives) will at some point inflict FGM on her.’

### **It should also be noted that the Tribunal also made the following points:**

- ‘225. We do not consider that the case law relied upon by the appellants comes close to establishing that the respondent bears the legal burden of proving that there is a part of the country of nationality of an appellant, who has established a well-founded fear in one area thereof, to which the appellant could reasonably be expected to go and live. The person who claims international protection bears the legal burden of proving that he or she is entitled to it. What that burden entails will, however, very much depend upon the circumstances of the particular case. In practice, the issue of an internal relocation alternative needs to be raised by the Secretary of State, either in the letter of refusal or (subject to issues of procedural fairness) during the appellate proceedings. In many

cases, the respondent will point to evidence regarding the general conditions in the proposed place of relocation. It will then be for the appellant to make good an assertion that, notwithstanding those conditions, it would not be reasonable to relocate there. Those reasons may often be ones about which only the appellant could know; for example, whether there are people living in the area of proposed relocation who might identify the appellant to those in his home area whom he fears. The Secretary of State clearly cannot be expected to lead evidence on such an issue.'

'363. Before leaving the issue of Article 15(c) in Mogadishu, it is necessary to say something with an eye to the use that will be made of our country guidance findings in the next few weeks and months. In assessing cases before them, judicial fact-finders will have to decide whether the evidence is the same or similar to that before us (Practice Direction 12). To the extent it is not, they are not required to regard our findings as authoritative. As we have emphasised, it is simply not possible on the evidence before us to state that the changes resulting from Al-Shabaab's withdrawal from Mogadishu are sufficiently durable. Far too much is presently contingent. As time passes, however, it may well be that judicial fact-finders are able to conclude that the necessary element of durability has been satisfied. How, if at all, that impacts on the assessment of risk on return will, of course, depend on all the other evidence.'

Sufi & Elmi v United Kingdom (ECtHR) 28 June 2011. Applications 8319/07 and 11449/07. This judgment became final on 28 November 2011 following refusal of the UK's application for the case to be referred to the Grand Chamber of the European Court and must now be read in light of AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 00445 (IAC).

#### **In summary the ECtHR concluded:**

'In conclusion, the Court considers that the situation of general violence in Mogadishu is sufficiently intense to enable it to conclude that any returnee would be at real risk of Article 3 ill-treatment solely on account of his presence there, unless it could be demonstrated that he was sufficiently well connected to powerful actors in the city to enable him to obtain protection (see paragraph 249).

'Nevertheless, Article 3 does not preclude the Contracting States from placing reliance on the internal flight alternative provided that the returnee could travel to, gain admittance to and settle in the area in question without being exposed to a real risk of Article 3 ill-treatment. In this regard, the Court accepts that there may be parts of southern and central Somalia where a returnee would not necessarily be at real risk of Article 3 ill-treatment solely on account of the situation of general violence (see paragraph 270, above). However, in the context of Somalia, the Court considers that this could only apply if the applicant had close family connections in the area concerned, where he could effectively seek refuge. If he has no such connections, or if those connections are in an area which he could not safely reach, the Court considers that there is a likelihood that he would have to have recourse to either an IDP or refugee camp (see paragraph 266).

If the returnee's family connections are in a region which is under the control of Al-Shabaab, or if it could not be accessed except through an Al-Shabaab controlled area, the Court does not consider that he could relocate to this region without being exposed to a risk of ill-treatment unless it could be demonstrated that he had recent experience of living in Somalia and could therefore avoid coming to the attention of Al-Shabaab (see paragraph 276).

‘Where it is reasonably likely that a returnee would find himself in an IDP camp, such as those in the Afgooye Corridor, or in a refugee camp, such as the Dadaab camps in Kenya, the Court considers that there would be a real risk that he would be exposed to treatment in breach of Article 3 on account of the humanitarian conditions there (see paragraph 295).’

In assessing the article 3 risk, the Court concluded that the humanitarian conditions in Somalia were not solely attributable to poverty or the State’s lack of resources in dealing with a naturally occurring phenomenon such as a drought; the crisis is predominantly due to the direct and indirect action of the parties to the conflict (see paragraph 282).

Consequently the Court considered that its approach should be that adopted in M.S.S. v Belgium and Greece – 30696/09 [2011] ECHR (21 January 2011) and not the previously articulated approach in N v UK that humanitarian conditions would only breach Article 3 in very exceptional cases where the grounds were compelling. Rather, it took the MSS approach, which requires it to have regard to an applicant’s ability to cater for his most basic needs, his vulnerability to ill-treatment and the prospect of his situation improving within a reasonable time-frame (see paragraph 283).

**NOTE: Decision makers should not rely on the caselaw listed below which depend upon a picture of country conditions in Somalia which with the passage of time have been overtaken by events and are no longer an accurate reflection of the situation on the ground. Decision-making and submissions in court should instead be based upon the latest country of origin information**

HY (Yibir – YS and HA applied) Somalia [2006] UKAIT 00002 (14 December 2005) The Tribunal noted *YS and HA* and found that “Midgan who had lost the protection of a local patron or patrons, and who had not found alternative protection in the city would be vulnerable to persecution” (para 17) and where the only ‘protection’ available takes the form of forced labour, if not servitude, the appellant is at risk of inhuman or degrading treatment (para 18). Internal relocation is not an option (para 17).

MA (Galgale – Sab clan) Somalia CG [2006] UKAIT 00073 (17 July 2006). The Tribunal found that, ‘the Galgala is a "sab" or low caste clan, similar to the Tumul, Yibir or Midgan Clans. There are, however, two significant aspects of difference. There are no designated areas in which the Galgala may live; and they can no longer look to a major clan as patron. They may therefore have less expectation of protection than others. These two differences mean that members of the Galgala in general would, on return, face a real risk of persecution and treatment contrary to Article 3.’

NM and Others (Lone women – Ashraf) Somalia CG [2005] UKIAT 00076 (31 March 2005) . The Tribunal found that “the starting point is that male and female members of minority clans from the south will, in general, be at risk of breaches of their Article 3 rights, and will be refugees, in the absence of evidence that they have a clan or personal patron and the means to access that area of safety without a real risk. Were such evidence to exist, which at present would be unusual, their return would involve no breach of either Convention.’ (paragraph 117)

‘Internal relocation is not in general a viable option for members of minority clans except where they may be able to obtain majority clan protection in a secure area. In respect of majority clan members, this may be a viable option for those whose majority clans have a secure location

elsewhere within southern Somalia than where the claimant came from, if the home area were not or had ceased to be one where the majority clan was sufficiently strong to provide protection.' (paragraph 128).

YS and HA (Midgan – not generally at risk) Somalia CG [2005] UKIAT 00088 (22 April 2005).

The Tribunal's summary of conclusions (para 73) was as follows:

- (i) 'This decision should be seen as superseding four previous Country Guidance determinations:
  - MA (Risk – Jaaji Clan – Benadiri) Somalia CG [2002] UKIAT 04084 (previously known as Amin [2002] UKIAT 04084);
  - IJ (Risk - Midgan) Somalia CG [2002] UKIAT 06314
  - FB (Risk – Class – Midgan) Somalia CG [2002] UKIAT 06753
  - AH (Midgan – Disabled Woman – Relocation – Mogadishu) Somalia CG [2002] UKIAT 07343.
- (ii) Each appeal must be decided on its own facts but the following should be treated as authoritative guidance on cases concerning the Midgan (also called the Migden, Midgaan and Madhiban and Madiban) in Somalia. One version of their name translates as "harmless".
- (iii) This decision is also authoritative guidance for the consideration of cases of members of other small caste groups identified in paragraph 42 above.
- (iv) Midgan are expected to perform low status jobs in Somali society and are usually poor. However, they are not slaves.
- (v) Midgan living in rural communities can generally expect to receive patronage and therefore protection from noble clans.
- (vi) Midgan who have left rural communities to settle in cities will sometimes have gained the patronage and protection of noble clans.
- (vii) Midgan who enjoyed the patronage and protection of a noble clan when they left Somalia can normally be expected to regain such patronage and protection in the event of their return. The protection afforded would extend to provision being made upon return for their internal safe travel back to rural areas.
- (viii) A Midgan who has lost the protection of a local patron (or local patrons) and who had not found alternative protection in a city would be vulnerable to persecution.
- (ix) A Midgan who has lost protection from a noble clan patron or patrons in his or her home area would not be able to relocate safely within Somalia.
- (x) Being a female Midgan increases the level of risk on return but does not on its own increase it to the level of real risk under the Refugee Convention and the ECHR.'

KS (Minority Clans - Bajuni - ability to speak Kibajuni ) Somalia CG [2004] UKIAT 00271 (24 September 2004). The Tribunal found that the background evidence on Somalia shows that members of certain clans or groups, such as the Bajuni, are likely to be able to demonstrate a risk of persecution on return (paragraph 35). For such persons, clan membership will usually be determinative but may not be in cases where there are features and circumstances which indicate that the claimant is not in fact at the same risk as that faced generally by other clan members (for example where a female marries into a majority clan she may have protection from her husband's clan) (paragraph 37). The decision contains (at paras 40 to 44) further guidance on assessing the credibility of claims of Bajuni ethnicity, looking in particular at the issue of the language(s) spoken by the claimant.

AJH (Minority group - Swahili speakers) Somalia CG [2003] UKIAT 00094 (3 October 2003)  
Persons of Bajuni or Bravanese ethnicity are likely to face persecution and cannot reasonably

relocate, particularly if they are female. This case sets out the test (at paragraph 33 of the determination) for caseworkers assessing the identity of Bajuni ethnicity. Essentially, what is required in cases involving Somali nationals of Bajuni ethnicity, is assessment of two separate issues (firstly the claimant's ethnicity and secondly their nationality). This assessment will include examination of at least 3 different factors:

- (i) knowledge of Kibajuni (or other relevant dialect if other than Bajuni)
- (ii) knowledge of Somali (varying depending on the applicant's personal history)
- (iii) knowledge of matters to do with life in Somalia for Bajuni (geography, customs, operations)

The assessment must not treat any one of these factors as decisive, it is even possible albeit unusual that a person who does not speak Kibajuni or Somali could still be a Bajuni - caseworkers should always have regard to whether the applicant's personal history explains any discrepancy in the results.

With non-Bajuni minority group claims, caseworkers should substitute the relevant dialect for Kibajuni.

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