

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	278
Land:	Somalia.
Kilde:	Refugee Documentation Centre of Ireland.
Titel:	Legal Aid Board. Somalia – Researched and compiled by the Refugee Documentation Centre of Ireland 13 May 2010. Information on the Safety of returns to the Mogadishu area of Somalia, including any dangers on the route of return.
Udgivet:	13. maj 2010.
Optaget på baggrundsmaterialet:	21. juni 2010.



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Somalia – Researched and compiled by the Refugee Documentation Centre of Ireland on 13 May 2010

Information on the safety of returns to the Mogadishu area of Somalia, including any dangers on the route of return.

Eligibility guidelines recently published by the *UN High Commissioner for Refugees*, in a section titled “Eligibility for International Protection” (sub-section titled “General Approach”), state:

“Somalis from southern and central Somalia seeking asylum and protection due to the situation of generalized violence and armed conflict in their places of origin or habitual residence and whose claims are considered as not meeting the refugee criteria under Article 1A(2) of the 1951 Convention⁶⁶ or Article I(1) of the OAU Convention,⁶⁷ should be granted international protection under the extended refugee definition in Article I(2) of the OAU Convention. In States in which the OAU Convention does not apply, a complementary/subsidiary form of protection should be granted under relevant national and regional legal frameworks. The widespread disregard of their obligations under international humanitarian law by all parties to the conflict and the reported scale of human rights violations make it clear that any person returned to southern and central Somalia would, solely on account of his/her presence in southern and central Somalia, face a real risk of serious harm.” (UN High Commissioner for Refugees (5 May 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, p.10)

In a section titled “Internal Flight or Relocation Alternative (IFA/IRA) (sub-section titled “Southern and Central Somalia”) these guidelines state:

“In light of the risks to safety and security, ongoing armed conflict and the shifting armed fronts and ongoing widespread human rights violations, it cannot be considered reasonable for any Somali, regardless of whether the individual originates from southern and central Somalia, Somaliland or Puntland, to relocate within or to southern and central Somalia. Access to land, water, services and security in southern and central Somalia is generally defined by clan membership. In such situations, it would not be reasonable to expect someone to take up residence in an area or community where persons with a different clan background are settled, or where they would otherwise be considered aliens. There is evidence from the IDP settlements in urban areas across Somalia, including Puntland and Somaliland, of daily abuse faced by members of clans which are not considered to ‘originate’ from the area in which they find themselves displaced. Furthermore, it would also not be reasonable for persons who have a well-founded fear of persecution to relocate within or to southern and central Somalia due to the massive displacement from Mogadishu, which has drained the absorption capacity of host communities in most areas of southern and central Somalia – even if the displaced persons are of the same

clan as members of the host community. Economic collapse and massive displacement has saturated clan social and economic support in home clan areas. In Galgaduud, which has received one of the largest numbers of IDPs in 2007, it was one of the few regions which also witnessed returns to Mogadishu. Interviewees reported to UNHCR that they had reached a level of desperation so severe that they preferred the misery and insecurity in Mogadishu. Based on the above, UNHCR considers that there is no available internal flight or relocation alternative in any part of southern and central Somalia.” (ibid, p.34)

A *UNHCR News* report on the return of displaced persons to Mogadishu states:

“Many IDPs are returning as complete families but others are heads of households who have left their relatives behind in settlements for the internally displaced while they check the conditions of their properties. They are returning to Hodan, Wardhiigleey, Yaaqshiid and Heliwaa neighbourhoods in north Mogadishu that were devastated by two years of war and left virtually empty. “The displaced have lost everything and are returning to ruined homes and livelihoods,” Spindler said. The latest returns are taking place at time when Mogadishu is experiencing some of the heaviest fighting in recent months, resulting in many civilian casualties and renewed displacement. ‘We are in the process of assessing the scale and magnitude of the latest displacement,’ Spindler said. ‘UNHCR is not encouraging returns to Mogadishu at this juncture, as the security situation is volatile and the conditions are certainly not conducive,’ he added.” (UNHCR News (27 February 2009) *More than 40,000 Somalis return to Mogadishu despite renewed fighting*)

An *IRIN news* report states:

“Although Halane's family and others have begun returning, many others remain in camps, said Ahmed Dini of Peaceline, a civil society group in Mogadishu. ‘There are returns but I would describe it as a trickle, not a flood yet,’ Dini said. He said most of the returnees were coming back to a risky situation, with little or no services. ‘They have no health facilities or schools and on top of that there is no help to assist them restart their lives,’ he said. ‘Most homes are either partially or totally destroyed.’ He added that many of the families could not afford to rebuild. ‘We may have to set up [IDP] camps inside their compounds.’” (IRIN News (5 March 2009) *Somalia: IDPs returning to "risky" Mogadishu*)

In a section titled “Background” a *Human Rights Watch* report states:

“The new TFG president, Sheikh Sharif Ahmed, appeared committed to building greater legitimacy and a broader base of military support for his government. Sharif, the former head of the ICU, had spent two years in exile in Eritrea and Djibouti. He had a background that many hoped would enable him to draw elements of the formidable but diverse armed opposition to the TFG under his banner. This did not happen. During the tenuous calm that emerged in early 2009, thousands of families who had been displaced by war began returning home. But by late February Somalia's armed factions had reverted to open conflict—and the situation has deteriorated ever since. The consequences have been dire. Fighting once again rages in the capital and civilians bear the brunt of

indiscriminate attacks and other abuses.” (Human Rights Watch (19 April 2010) *Harsh War, Harsh Peace: Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia*, pp.12-13)

In a section titled “Indiscriminate and Other Unlawful Attacks” this report states:

“Mogadishu has been the primary theater of open warfare in Somalia, though fighting has also exacted a heavy toll on civilians in other conflict areas in south/central Somalia. In early 2009 tens of thousands of Somalis who had been displaced by fighting began returning to their homes in Mogadishu, hopeful of the possibility of peace. But after a brief lull, fighting began anew and has continued ever since. Violations of the laws of war, which apply to both national armed forces and non-state armed groups, have persisted in the Somali capital since 2007 and continue through the present.” (ibid, p.36)

An *IRIN News* report on the situation in Mogadishu in March 2010 states:

“Clashes between government troops and Islamist insurgents have displaced more than 55,000 people from Mogadishu since the beginning of February, with many of them heading out of Somalia to neighbouring Kenya, according to the UN Refugee Agency. In the border town of Liboi, people told IRIN by phone that 300 to 400 Somali families were waiting there to be registered as refugees. In all, almost 570,000 Somalis are refugees and most of them live in camps in Kenya. ‘Staying in Mogadishu now is like a death sentence: you are not safe; your neighbour is not safe,’ Hawo Sheikh Ali, one of the refugees, told IRIN on 22 March. She left Mogadishu at the end of February after a mortar shell killed 15 people in her Wardhigley neighbourhood.” (IRIN News (22 March 2010) *Kenya-Somalia: Thousands flee Mogadishu "death trap"*)

An *Agence France Presse* report on current events in Mogadishu states:

“The Western-backed Somali government and the Islamist rebels have waged near-daily battles for the control of the seaside city of Mogadishu since last May.” (Agence France Presse (12 May 2010) *Nine killed as Somali forces attack insurgents*)

A report from the *Missionary International Service News Agency* states:

“Meanwhile, in Mogadishu, calm appears to have returned after, yesterday, it was subjected to some of the most intense fighting and violence in the past few months. At least 15 people were killed and 50 others wounded, including many civilians hit by mortars and grenades inside their own homes. The local radio ‘Shabelle’ reported that the fighting lasted several hours into the night in the quarters of Hodan, Daynile and Yakshid, engaging the ‘Shabab’ militias against the AMISOM peacekeeping contingent backed government troops.” (Missionary International Service News Agency (MISNA) (13 May 2010) *Somalia: Tension in Mogadishu, Liberation of Afgoye Clinic Demanded*)

A report from the Somali news agency *Garowe Online* states:

“At least 25 people have reportedly been killed and dozens others wounded in fresh violence that rocked Somalia’s capital in the last two days, Radio Garowe reports. Somali forces getting backings from African Union troops clashed with anti-government fighters in northern districts of Mogadishu. The people, mostly civilians were killed in mortar exchange at the Bakara Market, an insurgent stronghold in the capital in northern districts of Hodan, Wardhigley and Hawlwadag. Ali Muse, an ambulance service official, said on Thursday that they have assisted over 60 wounded, adding that the death toll could be much higher.” (Garowe Online (14 May 2010) *Somalia: Clashes in Mogadishu kill dozens*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Agence France Presse (12 May 2010) *Nine killed as Somali forces attack insurgents*

http://www.google.com/hostednews/afp/article/ALeqM5h0rJlqwmVHXwY2aJ-PChauRWs_6Q

(Accessed 14 May 2010)

Garowe Online (14 May 2010) *Somalia: Clashes in Mogadishu kill dozens*

http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Clashes_in_Mogadishu_kill_dozens_printer.shtml

(Accessed 14 May 2010)

Human Rights Watch (19 April 2010) *Harsh War, Harsh Peace: Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia*

<http://www.unhcr.org/refworld/pdfid/4bcd64c82.pdf>

(Accessed 14 May 2010)

IRIN News (22 March 2010) *Kenya-Somalia: Thousands flee Mogadishu "death trap"*

<http://www.irinnews.org/PrintReport.aspx?ReportId=88515>

(Accessed 14 May 2010)

IRIN News (5 March 2009) *Somalia: IDPs returning to "risky" Mogadishu*

<http://www.irinnews.org/PrintReport.aspx?ReportId=83308>

(Accessed 14 May 2010)

Missionary International Service News Agency (MISNA) (13 May 2010) *Somalia: Tension in Mogadishu, Liberation of Afgoye Clinic Demanded*

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/MYAI-85F4SK?OpenDocument>

(Accessed 14 May 2010)

UNHCR News (27 February 2009) *More than 40,000 Somalis return to Mogadishu despite renewed fighting*

<http://www.unhcr.org/print/49a8070b2.html>

(Accessed 14 May 2010)

UN High Commissioner for Refugees (5 May 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*

<http://www.unhcr.org/refworld/pdfid/4be3b9142.pdf>

(Accessed 14 May 2010)

Sources Consulted:

Google News

Human Rights Watch

IRIN News

Refugee Documentation Centre Query Database

UK Home Office

UNHCR Refworld

US Department of State