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SOMALIA: NO PLACE FOR THE DISPLACED

**FORCIBLE EVICTION
OF DISPLACED
COMMUNITIES**

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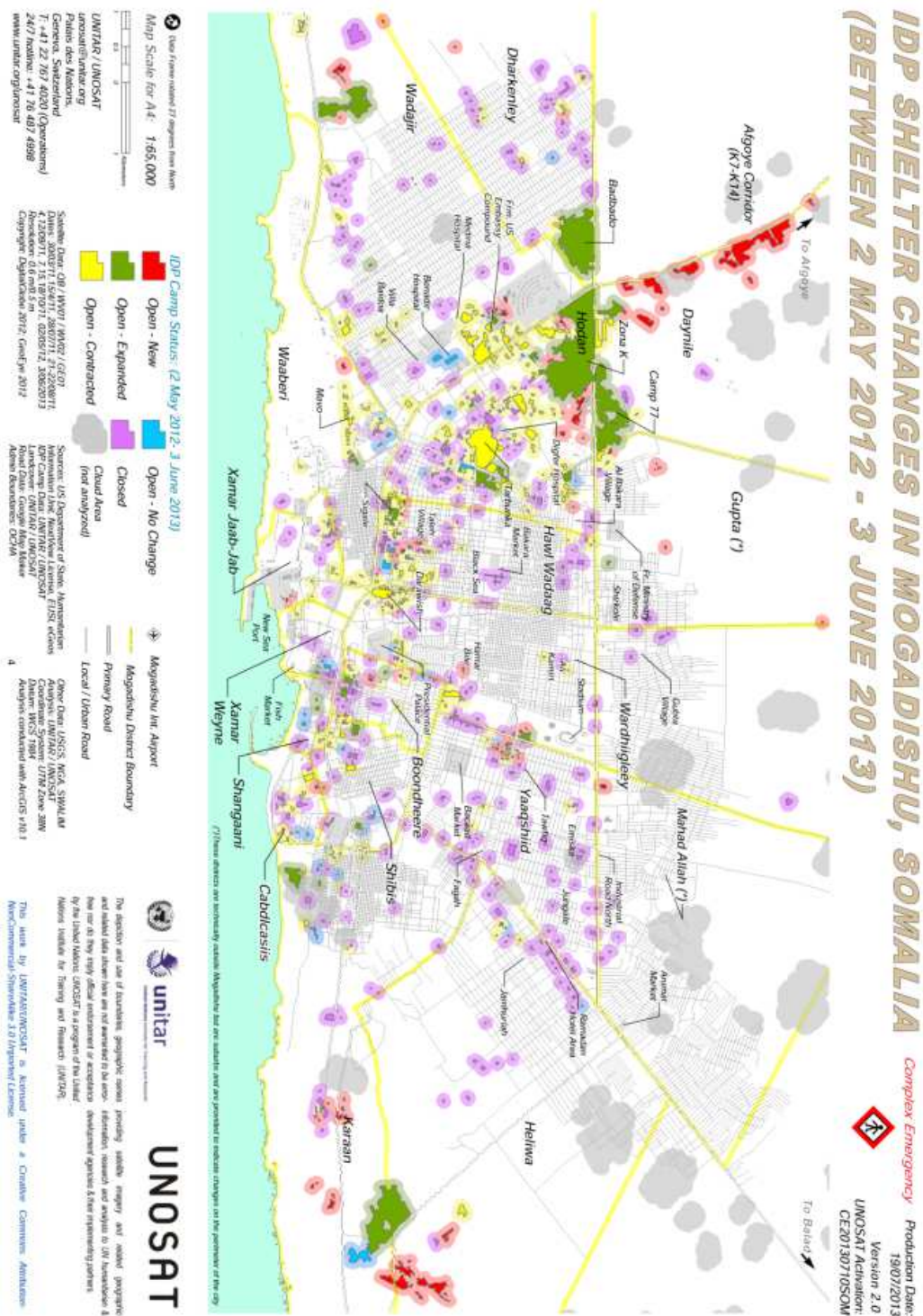
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EXECUTIVE SUMMARY

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 which have ravaged the country for more than two decades following state collapse after the fall of the Siad Barre regime in 1991. This claimed hundreds of thousands of lives and forced hundreds of thousand more from their homes.

In January 2013, the Somali government announced a plan to relocate hundreds of thousands of IDPs from Mogadishu to proposed camps outside of the city. 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 initial timeframe for the relocation was to be completed by 20 August 2013, one year after the establishment of the country's first internationally recognized government in 22 years.

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.



IDP deconstruction - her shelter

The plan saw ongoing revisions, and later fell into disarray, with preparation work at the chosen relocation site in Daynille, north of the city, being abandoned because the government could not establish the appropriate security provisions. However, forced evictions have continued and have gathered pace in recent months, despite the government's failure to provide any other alternative location.

There are over one million IDPs in Somalia today.¹ This phenomenon of displacement continues, albeit on a lesser scale compared to previous years. According to the United Nations High Commission for Refugees (UNHCR), some 42,000 Somalis were internally displaced in the first eight months of 2013, while in June, 3,800 people were displaced due to insecurity and evictions. In August, 2,400 people were reported displaced due to evictions alone.²

An estimated 369,000 IDPs live 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 as 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.

The government has an obligation to ensure the protection and respect of the rights of all communities, especially the more vulnerable sectors of society, such as IDPs.

FORCED EVICTIONS AND DISPOSSESSION

Thousands of IDPs were forcibly evicted in 2012 by the Transitional Federal Government (TFG) and private landlords in order to prepare the city for development. Since the beginning of this year, following the government's announcement of its plans in January to relocate IDPs from central Mogadishu, forced evictions resumed, and seem to have increased in recent months and weeks. In mid-August Amnesty International spoke to scores of IDPs who had been forcibly evicted with no consultation, little notice and often with the threat or use of force. Forced evictions have been taking place from both public and private land and some people's shelters have been destroyed. An eight-year old child and a mother of nine children were killed and several other residents were injured on 14 August 2013, when members of the security forces opened fire in response to residents' protests against the eviction of a large IDP settlement in the Hodan district, in the centre of Mogadishu. The IDP settlement, located in an area between a former military hospital now used as a base for the Somali army and a former milk factory, was home to thousands of displaced people and urban poor.

Residents of the IDP camp told Amnesty International that when members of the armed forces arrived at the site and told residents to vacate within three days, some residents protested, including some who threw stones, in response to which soldiers opened fire. Eight years old Hassan was killed. His Father, Mohamed, told Amnesty International: 'It was around 10 in the morning, the military came and told us that we had to move away within three days, that the government wanted their land back. People were angry, it was not enough time to move, so we started demonstrating. Some people threw stones, so the military started firing. It was chaos. Soon after I was called, I was told my son had been shot by a stray bullet while he was playing inside our shelter. I went immediately, but he had already died. He was eight years old.'

Mohamed originally came to Mogadishu from central Somalia. His family fled because of clan-related conflict in 1991, having lost their land and livelihoods. He has lived in Mogadishu ever since, moving from place to place as a result of the conflict which has raged in the country. He cannot go home, because he is afraid of al-Shabab,³ the Islamist armed opposition group who still control vast parts of south-central Somalia, and because he has lost his land. He was working in a duka (small shop) near his shelter in Mogadishu which was destroyed during the eviction. For now, he has moved his family to the Afgooye corridor, an area north-west of the city centre where thousands of IDPs have been moving to after having been evicted from their settlements. Until two years ago while active conflict raged in Mogadishu, this area was reported to be the largest IDP settlement in the world. After al-Shabab withdrew from Mogadishu in 2011 the direct fighting lessened in the capital. Meanwhile a renewed offensive led by Transitional Government Forces and AMISOM in early 2012 led to an increase in conflict leading to a large influx of IDPs back to Mogadishu. However it is now rapidly filling up again as the eviction of IDPs from the city centre gathers pace. IDPs have nowhere else to go.

Sharifa, a mother of nine children, was also killed in the same incident. Her Husband, Abukar, recalled the events to Amnesty International: 'After the military had come and told everyone to move (vacate the site), residents started to protest and my son joined them. My wife was worried about him, so she left our shelter and urged him to come away. He went back inside, but my wife was struck in the head by a stray bullet before she could get inside our shelter. She was rushed to hospital, but by the time I got there, she had died.'

Residents told Amnesty International that three days later, on 17 August, the military came back to the camp with reinforcements and started demolishing the shelters with a bulldozer. Many IDPs who lived in the area were out working in the market and returned home to find their shelters destroyed. Fatima is 60 years old. She was in Bakara market, where she works during the day: 'It was early morning, around 8am, my children called me and told me our shelter had been destroyed, that they were outside. When I arrived, everything was destroyed. There were around 4 armed men still there, otherwise everything had been demolished. I sat on the ground, I didn't know what to do. I have lost most things. I reconstructed a makeshift shelter, in the same area, I don't know what to do, I have no place I can go.'

Halima, a 65-year-old mother of 10 from Galgudud (central Somalia) told Amnesty International about her family's forcible eviction from the same IDP settlement: "Last Saturday (17 August) morning I left home very early to go to Bakara market where I work carrying goods, and while I was there I heard from people that soldiers had gone to our area with bulldozers and megaphones but I did not know it was exactly where we lived (it was a large settlement). When I went back I discovered that our camp had been emptied. Some shelters were destroyed. My sons dismantled our shelter and we asked someone to keep our things because we don't have anywhere to go. Now we are sleeping near the old American embassy, but we can't stay there for long. I sent my sons to look for a place but they have not found anything yet. We don't know anyone in the Afgooye corridor area where many people have gone. I don't know where we can live. I came to Mogadishu more than 20 years ago with my husband and four children because our animals died from the drought and we had no food. My husband has since died".

When Amnesty International delegates visited the area (on 21 August 2013) they saw evidence that a large number of shelters had been recently destroyed; the churned up land was strewn with pieces of cloth and plastic sheeting which used to make the shelters.

Another widow, Fatima, who has lived in Mogadishu since 1992, told Amnesty International that following her eviction from the same IDP settlement on 17 August she and her seven children were sleeping in the kitchen of a disused feeding centre in the Tarabunka district of the capital, but that they cannot stay there because it is too expensive and do not know where to go.

On Saturday 17 August 2013, IDPs in the Warberi district, close to Mogadishu airport, received an official written notice which was given to a limited group of people, namely camp leaders, requiring them to move out of the area within 4 days.⁴ They were told to move to Badbado IDP camp in Dharkenley district, an overcrowded sprawling settlement known for its high levels of crime, including rape and sexual violence. Camp dwellers told Amnesty International that in the following days, members of the security forces went to the camps warning them that force would be used to evict them if they didn't move. When Amnesty International visited the camp (on 21 August 2013) many residents had already left and others were dismantling their shelters and gathering their belongings as they prepared to leave the area.

Some residents of the IDP camps near the airport were already forcibly evicted from the area earlier this year. In June 2013, a three year old boy is reported to have died from injuries he sustained when bulldozers destroyed the shelter where he was sleeping in one of the IDP settlements in the area. He was found alive by his family, but later died of his injuries.

LACK OF SECURITY AND EFFECTIVE PROTECTION

Despite some improvements, insecurity remains high in the capital Mogadishu. In the last year, the government has gained greater control in Mogadishu, however there is ongoing violence through both indiscriminate and targeted attacks. Al-Shabab has been weakened, but retains influence and despite its diminished capacity, is still able to carry out direct attacks on civilians and indiscriminate attacks through suicide bombs, improvised explosive devices (IEDs) and grenade attacks.⁵ The Somali National Armed Forces (SNAF) have extremely limited capacity and rely heavily on the African Union Mission to Somalia (AMISOM). Together with their lack of discipline, this renders them incapable of providing protection and security to civilians.

Though al-Shabab has been dislodged in key towns, it still controls vast swathes of the countryside. Many IDPs from these areas are unwilling or unable to return home. Many lost their land and livelihoods in the drought, and fear al-Shabab, while ongoing instability within south and central Somalia, and restrictions on access remain 'major obstacles to aid delivery'.⁶

The authorities have been unable to ensure security a permanent police presence at the planned IDP camp, north of Mogadishu in the Daynille area, where the IDPs were to be relocated to. Work on the site was never completed and the IDP relocation to this area has not taken place. The government has not provided any other alternative site for IDPs to relocate to. However, IDPs are still being forced to move from their settlements regardless, despite the government's inability to provide them with any alternative.

Instead, most of the (evicted) IDPs have been moving to a different area – in the Afgooye corridor, on the outskirts of Mogadishu. They have been establishing settlements there without government assistance or coordination. IDPs regard this area as less insecure than the proposed relocation site in Daynille but there too government control is weak and al-Shabab elements are reportedly active in the area. There are concerns that armed militias may seek to increase their presence in the area, thereby creating a situation of greater insecurity for the IDPs living there.

When Amnesty International delegates visited this area (on 23 August 2013) they witnessed donkey carts moving people's belongings, and IDPs building shelters with the little materials they were able to carry. Some told the organization that they had not been able to bring the material from their old shelters with them, as the plastic sheeting and cloth got so torn in the dismantling process that they could not be used again.

At present, it is early to assess the level of security or insecurity in the new IDP camps as the movement of IDPs to areas along the Afgooye road is relatively new. But the weak presence of government in this area, the presence of al-Shabab and the high potential for other militia groups to establish a presence to exploit the situation of IDPs, may leave the IDPs even more vulnerable in their new locations.



New shelter following eviction

In effect IDPs seem to have been left to find their own solutions. Some IDPs told Amnesty International they are tired of being moved and might be prepared to return to their place of origin, despite the insecurity which prevails there. Such constructive forced returns in which people are left with no real option but to leave would violate Somalia's obligation to protect against forced returns and to ensure that all returns are voluntary and the result of a "free and informed choice."⁷

DIVERSION OF AID AND INADEQUATE ACCESS TO HUMANITARIAN ASSISTANCE

Aid diversion has plagued international humanitarian assistance in Somalia for years. IDPs have long been trapped in an exploitative system which deprives them of much of the humanitarian assistance which they should receive. Humanitarian aid continues to be controlled and diverted by ‘gatekeepers’: powerful individuals, often from dominant clans and in the role of camp managers, sometimes acting as, or linked to, district officials.⁸

Many of the IDPs who spoke to Amnesty International said that they had to give sizeable percentages of food and other aid which they receive to the gate-keepers.

“Diversion of aid in Somalia goes well beyond the theft of goods or resources destined to vulnerable populations. Indeed, one of the most pernicious forms of diversion continues to involve the phenomenon previously documented by the Monitoring Group (S/2012/544, annex 6.2). Individuals and groups, operating in networks organized to steal from and exploit vulnerable populations, including internally displaced persons, continue to act as ‘gatekeepers’ and ensure that local ‘pie-cutting’ remains an essential component of aid delivery. Consequently, a large proportion of resources do not reach the intended beneficiaries”.⁹

Report of the UN Monitoring Group, July 2013

Some IDPs told Amnesty International that they were subjected to the “Inkafadaw” system¹⁰ whereby they could not use any of the food aid they received but had to keep it intact and hand it over in its entirety to the gate-keeper in exchange for a sum of money which is much less than the value of the food. Hawo told Amnesty International about the system ‘The biggest problem for me is the Inkafadaw system. The gatekeepers keep the cards [food distribution cards] and when it is time to receive the food, we are told we have to sit on it. We cannot touch it. They come after the distribution and take the food. They give us 50,000 Somali shillings for it (approximately US \$3), I wish I could keep the food, I don’t know how I can get a card they don’t take from me. The money only lasts me one day to feed my family.’

Because IDPs are a source of income for gate-keepers, the latter are keen to control their movements. If properly handled the IDP relocation could have been a good opportunity to loosen the hold of gate-keepers over IDP communities. Notably, if the government had provided a suitable IDP relocation site with adequate security, clear arrangements regarding land tenure, and properly regulated provision of essential services, this could have dramatically reduced IDP reliance on gate-keepers.

Instead, the government’s determination to remove the IDPs camps from the city centre without providing an alternative location, could further strengthen the role of the gate-keepers, who have largely taken control of the relocation process. Gatekeepers have leased or otherwise acquired plots of land, and have moved the IDP communities under their control to the Afgooye corridor in order to maintain control of IDPs and the economic benefits they bring.

Gatekeepers continue to exploit the situation of IDPs for profit. IDPs told Amnesty International that they have been told to tell gatekeepers if any humanitarian assistance is provided to them. IDPs expect they will have to give up any humanitarian assistance that is provided, confirmed by representatives of the IDP communities. One man told Amnesty International that a percentage of food distribution cards received by IDPs in his camp would need to be given to the gatekeeper. The inkafadow system looks likely to continue.

Most of the international humanitarian organisations have not yet been able to provide services to the IDPs in the area they are moving to. Until recently, the government was reticent to authorise the provision of services there while planning was ongoing for the site in Daynille. In addition, access is limited due to insecurity. Though some local organisations have begun providing some services to the newly arrived IDPs, these do not cover the needs of the growing numbers of people who now live there, already estimated at over 20,000, and likely to increase significantly as more IDPs are forced to leave their settlements in Mogadishu. Any further deterioration in the already dire living conditions of IDPs could have disastrous consequences, especially for the more vulnerable. At one of the sites (Maslaha) which Amnesty International visited, residents showed the organizations' delegates two newly dug graves on the edge of the camp, among IDP shelters, where they said two four-year-old children were buried who had died of diarrhea some days earlier. They also said that several other children had died in previous weeks.

IDPs access to employment and livelihood has also been negatively affected as a result of these evictions. The new location to where IDPs are moving is further away from the Bakara market and other areas in the city centre where many IDPs find informal work - often poorly paid jobs such as loading or carrying goods, selling goods, washing clothes, or cleaning houses. Several displaced women who have recently moved from IDP camps in the city centre to the Afgooye corridor area told Amnesty International that they now have to spend a larger percentage of their meagre earning on transport to and from work and that at times they have to walk because they don't have the money for the journey.

Hawa told Amnesty International: "Some days I earn so little that if I pay for the bus I don't have enough left for food, so I have to walk back home; it takes me about two hours. It is very tiring and insecure; I am always afraid that men may rob me or attack me, but I have no choice".

There are concerns that if women IDPs have to walk longer distances they could be even more vulnerable to rape and sexual assault, an endemic problem in Somalia, where many of the victims are from the IDP community. IDP camps have long been plagued by insecurity and sexual assault, a problem which also exists in the areas IDPs are moving to. A woman who was evicted in the past months from the centre of Mogadishu to one of the new settlements IDPs are moving to, relayed her ordeal to Amnesty International: "I tried to resist but he kept saying he would kill me so I stopped in order not to get killed. He came into my buul (shelter) with a knife; it was night but I don't know what time it was; I have never had a watch. My buul has no door and there was nobody to protect me, I was with only my children and God. My children were sleeping. I kept quiet because I was scared. After he left what could I do? Only God is my witness. If I told neighbour they would just laugh at me and say bad things".

CONCLUSIONS AND RECOMMENDATIONS

Based on the evidence documented by Amnesty International, it is clear that the evictions taking place in central Mogadishu have failed to meet the standards required under international law and thus constitute forced evictions.

While the relocation of IDPs can be justified by the need to reclaim public land for public use or to restore the rights of private owners, according to international human rights law, notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Somalia is a state party and duty-bound, a number of important safeguards must be met. These include, genuine consultation with those due to be evicted on all possible alternatives, reasonable advance notice of the eviction, the right to appeal against the eviction and the provision of adequate alternative housing (including access to essential services such as water and sanitation) for those who cannot provide for themselves.

Any eviction should always be a last resort and nobody should be rendered homeless as a result. Everybody affected by a forced eviction has the right to an effective remedy for the loss and harm they have suffered. The fact that existing IDP settlements did not meet international standards of adequate housing is no reason to continue denying adequate housing to the affected IDPs through the use of forced evictions.

In addition to ratifying other international and regional treaties which also protect people's right to adequate housing, such as the African Charter on Human and People's Rights, Somalia has also signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons, (the Kampala Convention), which came into force in December 2012. This is the first instrument which sets out legally binding protection for people displaced within their own countries. It requires states to recognise the rights of IDPs to be protected against forcible return or resettlement where it puts the IDP at risk, while guaranteeing the IDPs choice of residence and freedom of movement except where restrictions are necessary, justified and proportionate.

For decades, IDPs in Somalia have been pushed from place to place by conflict and periodic famine. They have been living in squalid conditions with limited access to services or protection. Though there is now a central government in Somalia, IDPs continue to be treated as a problem to be dealt with rather than a group of people who enjoy the same rights as all other Somalis who can be part of the solution of Somalia's reconstruction. The government must live up to its responsibility to ensure effective protection for IDPs, rather than treat them as a problem to be moved on.

Somalia has generated some of the highest IDP populations globally.¹¹ The Somali government should be striving to protect its IDPs. At a minimum it should:

- Immediately halt all forced evictions;
- In the interim, it should declare and enforce a moratorium on all mass evictions until the legal and procedural safeguards required under international human rights law are in place;

- Ensure genuine consultations with, and the participation of displaced people in, the development and implementation of durable housing solutions;
- Ensure that communities or individuals that are to be evicted are provided both verbally and in writing with information about where they can raise concerns and complaints, establishing a mechanism with the capacity and authority to investigate and to provide a meaningful remedy;
- Ensure that whenever IDPs must be relocated safe and adequate alternatives are provided where their security is guaranteed, and where services are provided to meet their essential needs;
- Ensure that all housing provided to displaced people in new resettlement sites satisfies the requirements under international law relating to adequacy of housing, in particular in terms of habitability, location and access to water, sanitation and other basic infrastructure.
- Ensure that independent and impartial investigations are carried out into cases where forced evictions resulted in IDPs being killed or injured. Where investigations reveal sufficient admissible evidence of criminal wrongdoing, ensure that those responsible are brought to justice, and that remedy is provided to the victims and/or their families.

¹ As of April 2013, there were nearly 1.1 million internally displaced Somalis, mostly in the southern and central parts of the country, as well as 1,037,554 Somali refugees in the region, hosted mainly in Kenya, Yemen, Egypt, Ethiopia, Eritrea, Djibouti, Tanzania and Uganda.

² See: <http://data.unhcr.org/horn-of-africa/country.php?id=197>

³ Al-Shabab (full name: Harakat al-Shabab al-Mujahideen), is an off-shoot of the Islamic Courts Union (ICU), which controlled most of south Somalia until 2006. Al-Shabab currently exercises varying degrees of control or influence over large rural areas in south Somalia and continues to launch attacks against the Somali Federal Government, the African Union Mission to Somalia (AMISOM), and other targets.

⁴ Amnesty International obtained a copy of the eviction notice.

⁵ For example on 7 September 2013 al-Shabab claimed responsibility for a bomb attack which killed more than a dozen people in a restaurant near the Presidential palace in Mogadishu. Recent high profile attacks in the capital include an attack against a UN compound which killed several UN workers and civilians on 19 June 2013.

⁶ UNOCHA, Humanitarian Bulletin Somalia, March 2013, issued 12 April 2013, http://gallery.mailchimp.com/89875c39a4e3ec7138b9661cf/files/OCHA_Somalia_Humanitarian_Bulletin_March_2013.pdf accessed 9 September 2013.

⁷ See African Union Convention on for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), Arts. 9(2)(e) and 11(2) [Somalia has signed and ratified, the Kampala

Convention though has not deposited its ratification with the African Union]; see also the UN Guiding Principles on Internal Displacement, Principles 15(d) and 28.

⁸ UNSC, letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 13 July 2012, S/2012/544, article 84.

⁹ Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2060 (2012): Somalia (http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/413)

¹⁰ “Inkafadaw” means literally “to sit on it”

¹¹ According to UNHCR, in 2012 Somalia generated the sixth largest IDP population worldwide. For more information see http://popstats.unhcr.org/PSQ_TMS.aspx?SYR=2000&EYR=2012&POPT=ID&DOGN=N&DPOPT=N

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