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Home Office

Country Information and Guidance

Somalia: Security and humanitarian situation in South and Central Somalia

December 2014

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 e-mail us.

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.

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Section 1: Guidance

Date Updated: 19 December 2014

1.1 Basis of Claim

1.1.1 That the general humanitarian or security situation in Somalia is so severe as to make removal a breach of Article 3 of the European Convention on Human Rights (ECHR).

and/or

1.1.2 That the security situation in Somalia presents a real risk which threatens life or person such that removal would be in breach of Article 15(c) of European Council Directive 2004/83/EC of 29 April 2004 ('the Qualification Directive');

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1.2 Summary of Issues

- Is the person's account a credible one?
- Does the person have a well founded fear of persecution?
- Does the person fall to be excluded from a grant of protection?
- Is the general humanitarian or security situation in Somalia is so severe as to make removal a breach of Article 3 of the European Convention on Human Rights?
- Is there indiscriminate violence in Somalia which 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 their life or person?
- Are those at risk able to internally relocate within Somalia?

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1.3 Consideration of Issues

Is the person's account a credible one?

1.3.1 Decision makers must consider whether the material facts relating to the person's account of their experiences in Somalia are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account all mitigating reasons why a person is inconsistent or unable to provide details of material facts such as age; gender; mental or emotional trauma; fear and/or mistrust of authorities; education, feelings of shame; painful memories, particularly those of a sexual nature, and cultural implications.

See also:

- Country Information

and Asylum Instruction on:

- Considering Protection (Asylum) Claims and Assessing Credibility

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Does the person have a well founded fear of persecution?

1.3.2 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.

1.3.3 The country guidance case of MOJ & Ors (Return to Mogadishu) Somalia CG [2014] UKUT 00442 (IAC) found that there has been significant and durable change in the security situation in Mogadishu following Al-Shabaab's withdrawal from the city in August 2011 and there is no real prospect of a re-established presence within the city.

1.3.4 In MOJ and Others, the Upper Tribunal found that generally, a person who is "an ordinary civilian" (i.e. not associated with the security forces; any aspect of government or official administration or any NGO or international organisation) on returning to Mogadishu after a period of absence will face no real risk of persecution.

1.3.5 However in Mogadishu Al-Shabaab continue to target those perceived to be associated with the security forces, any aspect of government or official administration or any NGO or international organisation. UNHCR identifies amongst its profiles of those at potential risk: "Individuals associated with, or (perceived as) supportive of the Somali Federal Government (SFG) and the international community, including the AMISOM forces; individuals in certain professions such as journalists, members of the judiciary, humanitarian workers and human rights activists, teachers and staff of educational facilities, business people and other people (perceived to be) of means; members of minority groups such as members of the Christian religious minority and members of minority clans." [See Country Information for full list of UNHCR's potential risk profiles].

1.3.6 With regard persons who come within these heightened risk categories, decision makers must make a careful assessment of a person's overall circumstances. MOJ and Others found that "A person who works, for example, as a police officer, a government official, or in any capacity for the security forces or the government administrative machine .... will experience a higher level of risk, even if not individually targeted on that account, because his daily life will bring him to the very areas of the city that are subject to an enhanced likelihood of being selected as a target for an Al Shabaab attack. But given what we have said about the opportunities to access other means of securing a livelihood, a person who works in a capacity of the type described, which brings with it an enhanced level of risk, will have done so as a matter of choice. That choice will have been informed by his overall circumstances, including his personal security arrangements that may relate to the means of travelling around the city and to his place of residence and the level of security in which he is able to live." [paragraph 404 of determination]

1.3.7 Where the person qualifies under the Refugee Convention, decision makers do not need to go on to make an assessment of the need for protection firstly under Article 3 of the European Convention on Human Rights (ECHR) and if that is unsuccessful, under Article 15(c) of the Qualification Directive.

See also:

- Country Information and Annex A for maps and current resources
- Caselaw

and Asylum Instruction on:

- Considering Protection (Asylum) Claims and Assessing Credibility

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Does the person fall to be excluded from a grant of protection?

1.3.8 All sides of the conflict including Al Shabaab, government security forces, and the African Union Mission in Somalia (AMISOM) have reportedly committed human rights violations and abuses. If there are serious reasons for considering that a person was involved in or associated with such acts, or with the groups concerned, decision makers must consider whether one of the exclusion clauses is applicable, seeking advice from a Senior Caseworker if necessary. Where a person is excluded from protection under the Refugee Convention they are also excluded from Humanitarian protection but if there is a real risk of a breach of Article 3 ECHR or Article 15(c) of the Qualification Directive they may be entitled to Discretionary leave or Restricted leave.

See also:

- Country Information

and Asylum Instructions on:

- Considering Protection (Asylum) Claims and Assessing Credibility
- Exclusion: Article 1F of the Refugee Convention

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Is the general humanitarian or security in Somalia is so severe as to make removal a breach of Article 3 of the European Convention on Human Rights?

1.3.9 It is only if the person does not qualify under the Refugee Convention, that decision makers need to make an assessment of the need for protection firstly under Article 3 of the European Convention on Human Rights (ECHR) and if that is unsuccessful, under Article 15(c) of the Qualification Directive.

1.3.10 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 and 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 security and humanitarian situation in that area.

Mogadishu

1.3.11 The European Court of Human Rights, in the case of K.A.B. v. Sweden (September 2013), has found that there is no general Article 3 risk in Mogadishu.

1.3.12 With regard the humanitarian situation in Mogadishu, the country guidance case of MOJ & Ors (Return to Mogadishu) Somalia CG [2014] UKUT 00442 (IAC) found that a person returning to Mogadishu after a period of absence will look to his nuclear family, if he has one living in the city, for assistance in re-establishing himself and securing a livelihood. Although a returnee may also seek assistance from his clan members who are not close relatives, such help is only likely to be forthcoming for majority clan members, as minority clans may have little to offer. [Headnote (vii)].

1.3.13 The Tribunal also found that the significance of clan membership in Mogadishu has changed. Clans now provide, potentially, social support mechanisms and assist with access to livelihoods, performing less of a protection function than previously. There are

no clan militias in Mogadishu, no clan violence, and no clan based discriminatory treatment, even for minority clan members. [Headnote (viii)].

1.3.14 If it is accepted that a person facing a return to Mogadishu after a period of absence has no nuclear family or close relatives in the city to assist him in re-establishing himself on return, there will need to be a careful assessment of all of the circumstances. MOJ and Others [Headnote (ix)] stated that these considerations will include, but are not limited to:

- circumstances in Mogadishu before departure;
- length of absence from Mogadishu;
- family or clan associations to call upon in Mogadishu;
- access to financial resources;
- prospects of securing a livelihood, whether that be employment or self employment;
- availability of remittances from abroad;
- means of support during the time spent in the United Kingdom;
- why his ability to fund the journey to the West no longer enables an appellant to secure financial support on return.

1.3.15 Put another way, it will be for the person facing return to explain why he would not be able to access the economic opportunities that have been produced by the economic boom, especially as there is evidence to the effect that returnees are taking jobs at the expense of those who have never been away. [Headnote (x)]. It will, therefore, only be those with no clan or family support who will not be in receipt of remittances from abroad and who have no real prospect of securing access to a livelihood on return who will face the prospect of living in circumstances falling below that which is acceptable in humanitarian protection terms. [Headnote (xi)].

Areas outside Mogadishu

1.3.16 In general return to an area under the control of Al Shabaab is not feasible for a person who has had no history of living under Al Shabaab in that area and is in general unlikely to be a reasonable proposition for someone who has had such a history. Such persons will be at real risk of persecution by Al Shabaab because of actual or imputed religious or political opinion.

1.3.17 The humanitarian situation south and central Somalia (outside of Mogadishu) is severe. Decision makers must refer to the latest information about the humanitarian situation in the place concerned (see Country Information and Annex A for maps and current resources).

1.3.18 Family and/or clan connections will have an important part to play when assessing whether return to an area of south and central Somalia (outside of Mogadishu) which are not under the control of Al Shabaab would breach Article 3 on account of the humanitarian conditions.

1.3.19 Decision makers must make a careful assessment of all of the circumstances and have regard to the person's ability to cater for his or her most basic needs, his or her vulnerability to ill-treatment and the prospect of his situation improving within a reasonable time-frame.

1.3.20 In general those with no close family connections who are able to provide support, or if those connections are in an area which the person could not safely reach, there is a likelihood that the person would have to have recourse to an IDP camp.

1.3.21 Where it is reasonably likely that the person would find himself or herself in an IDP camp, there would be a real risk that he or she would be exposed to treatment in breach of Article 3 on account of the humanitarian conditions there.

See also:

- Country Information
- Caselaw

and Asylum Instructions on:

- Considering Protection (Asylum) Claims and Assessing Credibility
- Humanitarian Protection

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Is there indiscriminate violence in Somalia which 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 their life or person?

1.3.22 Unlike Article 3 ECHR, Article 15(c) of the Qualification Directive applies only to civilians, who must be genuine non-combatants and not those who are party to the conflict. This could include former combatants who have genuinely and permanently renounced armed activity.

Mogadishu

1.3.23 In MOJ and Others, the Upper Tribunal found that generally, a person who is "an ordinary civilian" (i.e. not associated with the security forces; any aspect of government or official administration or any NGO or international organisation) on returning to Mogadishu after a period of absence will face no real risk of persecution or risk of harm such as to require protection under Article 3 of the ECHR or Article 15(c) of the Qualification Directive. In particular, he will not be at real risk simply on account of having lived in a European location for a period of time of being viewed with suspicion either by the authorities as a possible supporter of Al Shabaab or by Al Shabaab as an apostate or someone whose Islamic integrity has been compromised by living in a Western country [Headnote(ii)].

1.3.24 MOJ and Others noted that the level of civilian casualties, excluding non-military casualties that clearly fall within Al Shabaab target groups such as politicians, police officers, government officials and those associated with NGOs and international organisations, cannot be precisely established by the statistical evidence which is incomplete and unreliable. However, it is established by the evidence considered as a whole that there has been a reduction in the level of civilian casualties since 2011, largely due to the cessation of confrontational warfare within the city and Al Shabaab's resort to asymmetrical warfare on carefully selected targets. The present level of casualties does not amount to a sufficient risk to ordinary civilians such as to represent an Article 15(c) risk. [Headnote(iv)]. It is open to an ordinary citizen of Mogadishu to reduce further still his personal exposure to the risk of "collateral damage" in being caught up in an Al Shabaab attack that was not targeted at him by avoiding areas and establishments that are clearly identifiable as likely Al Shabaab targets, and it is not unreasonable for him to do so. [Headnote(v)].

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Areas outside Mogadishu

1.3.25 The country guidance case of AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 445 (IAC) (28 November 2011) – which continues to have effect – found that there is no generalised risk of Article 3 harm as a result of armed conflict (see paragraph 597 of determination) in areas of south and central Somalia outside of Mogadishu. However, the Tribunal found that, 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 ECHR in an Al Shabaab controlled area. 'No recent experience' means that the person concerned left Somalia before the rise of Al Shabaab 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 that is likely to entail, (e.g. adverse assumptions likely to be made by Al Shabaab about the person concerned being a spy for 'foreign' governments or the Somalia National Government or the African Union Mission to Somalia (AMISOM)) so far as Al-Shabaab perceptions are concerned, but he or she will be less likely to be readily identifiable as a returnee. Even if they were to be so identified, the evidence may point to the person having struck up some form of accommodation with Al Shabaab, whilst living under their rule. On the other hand, although having family in the Al Shabaab area of return may alleviate the risk, the rotating nature of Al Shabaab 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).

1.3.26 AMM and others also confirmed that fighting in southern and central Somalia outside of Mogadishu 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) (paragraph 597).

1.3.27 During 2014, the Somali National Security Forces (SNSF) and the African Union Mission in Somalia (AMISOM) launched a military offensive which has driven Al Shabaab out of most of the main urban areas in south and central Somalia. As of October 2014, the only significant towns still under Al Shabaab control are Jamaame, Jilib, Buale and Sakow in Middle Juba Region, Diinsor in Bay region and Bardere in Gedo region. There are also a few other smaller towns like El-Dere in Middle Shabelle. However large parts of the countryside in southern and central Somalia remain under the effective control of Al Shabaab, and they are able to threaten local populations and target in reclaimed areas, those associated with the security forces; any aspect of government or official administration or any NGO or international organisation.

1.3.28 Decision makers 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 Country Information and Annex A for maps and current resources).

1.3.29 Even where there is no general Article 15 (c) risk, the decision maker must consider whether there are particular factors relevant to the person's individual circumstances which might nevertheless place them at risk. Such factors might include – but not limited to - the person's age, gender, health etc.

1.3.30 Decision makers must consider carefully whether the existence of such factors means that the harm they fear is not in fact indiscriminate, but targeted, if not at them personally, at a Refugee Convention defined population to which they belong.

1.3.31 In Elgafaji v. Staatssecretaris van Justitie, C-465/07, European Union: European Court of Justice, 17 February 2009 ('Elgafaji'), the European Court of Justice (ECJ) held that 'the more the [person] is able to show that [they are] specifically affected by reason of factors particular to [their] personal circumstances, the lower the level of indiscriminate violence required for [them] to be eligible for subsidiary protection' (see Elgafaji, paragraph 39).

See also:

- Country Information
- Caselaw

and Asylum Instructions on:

- Considering Protection (Asylum) Claims and Assessing Credibility
- Humanitarian Protection

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Are those at risk able to internally relocate within Somalia?

1.3.32 The Upper Tribunal in MOJ and Others found that the evidence indicates clearly that it is not simply those who originate from Mogadishu that may now generally return to live in the city without being subjected to an Article 15(c) risk or facing a real risk of destitution. On the other hand, relocation in Mogadishu for a person of a minority clan with no former links to the city, no access to funds and no other form of clan, family or social support is unlikely to be realistic as, in the absence of means to establish a home and some form of ongoing financial support there will be a real risk of having no alternative but to live in makeshift accommodation within an IDP camp where there is a real possibility of having to live in conditions that will fall below acceptable humanitarian standards.[Headnote (xii)]

1.3.33 If in individual cases the person cannot remain in Mogadishu, the decision maker must establish whether that person could safely and reasonably return elsewhere in Somalia.

1.3.34 In general, internal relocation to an area under the control of Al Shabaab is not a viable alternative. The Upper Tribunal found in AMM and others that internal relocation to an area controlled by Al Shabaab is not feasible for a person who has had no history of living under Al Shabaab 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).

1.3.35 For areas of south and central Somalia which are not under the control of Al Shabaab, 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 Shabaab 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).

1.3.36 Decision makers must refer to the latest available country information (see Country Information and Annex A for maps and current resources) and 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 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.

See also:

- Country Information and Annex A for maps and current resources
- Caselaw

and Asylum Instruction on:

- Considering Protection (Asylum) Claims and Assessing Credibility
- Internal Relocation

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1.4 Policy Summary

- **Caselaw has established that ordinary civilians returning to Mogadishu after a period of absence will in general face no real risk of persecution or risk of harm such as to require protection under Article 3 of the ECHR or Article 15(c) of the Qualification Directive.**
- **However, in Mogadishu Al-Shabaab continue to target those perceived to be associated with the security forces, any aspect of government or official administration or any NGO or international organisation.**
- **It is not simply those who originate from Mogadishu that may now generally return to live in the city without being subjected to an Article 15(c) risk or facing a real risk of destitution.**
- **The situation might be otherwise for a person of a minority clan who has no clan or family support, not be in receipt of remittances from abroad and who has no real prospect of securing access to a livelihood in Mogadishu. Such people would be at real risk of having no alternative but to live in makeshift accommodation within an IDP camp where there is a real possibility of having to live in conditions that will fall below acceptable humanitarian standards.**
- **In areas of south and central Somalia outside of Mogadishu the general conditions do not 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. Particular factors relevant to the person's individual circumstances might, nevertheless, place them at risk**
- **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, if they are returning to live in, or travel through, an Al Shabaab controlled area. They will be at real risk of persecution by Al Shabaab because of actual or imputed religious or political opinion.**
- **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 particularly from Al Shabaab checkpoints. Women travelling without male friends or relatives are in general likely to face a real risk of sexual violence.**
- **Where a claim falls to be refused, on the basis that the person will be returned to and remain in Mogadishu, it may be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See also the Asylum Instructions on:

- Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002
- Humanitarian Protection
- Discretionary Leave

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Section 2: Information

Date Updated: 9 December 2014

2.1 Background

2.1.1 The background to the current situation in Somalia is described in the BBC Country Profile of Somalia as follows:

'Somalia was without a formal parliament for more than two decades after the overthrow of President Siad Barre in 1991. Years of anarchy followed the downfall of President Barre, and it was not until 2012, when a new internationally-backed government was installed, that the country began to enjoy a measure of stability once more.'

'The decades of fighting between rival warlords meant that the country was ill-equipped to deal with natural disasters such as drought, and around half a million people died in the Somali famines of 1992 and 2010-12.'

'In 2004, after protracted talks in Kenya, the main warlords and politicians signed a deal to set up a new parliament, which later appointed a president. The fledgling administration, the 14th attempt to establish a government since 1991, faced a formidable task in its efforts to bring reconciliation to a country divided into clan fiefdoms.'

'Its authority was further compromised in 2006 by the rise of Islamists who gained control of much of the south, including the capital, after their militias kicked out the warlords who had ruled the roost for 15 years. With the backing of Ethiopian troops, forces loyal to the interim administration seized control from the Islamists at the end of 2006.'

'Islamist insurgents - including the Al-Shabab group, which later declared allegiance to al-Qaeda and in 2012 announced its merger with the global Islamist terrorist group - fought back against the government and Ethiopian forces, regaining control of most of southern Somalia by late 2008.

'Ethiopia pulled its troops out in January 2009. Soon after, Al-Shabab fighters took control of Baidoa, formerly a key stronghold of the transitional government.'

'Somalia's parliament met in neighbouring Djibouti in late January and swore in 149 new members from the main opposition movement, the Alliance for the Re-Liberation of Somalia. The parliament also extended the mandate of the transitional federal government for another two years, and installed moderate Islamist Sheikh Sharif Sheikh Ahmad as the new president. However, the government's military position weakened further, and in May 2009 Islamist insurgents launched an attack on Mogadishu, prompting President Ahmad to appeal for help from abroad.'

'Al-Shabab consolidated its position as the most powerful insurgent group by driving its main rival, Hizbul Islam, out of the southern port city of Kismayo in October 2009.'

'But al-Shabab was wrong footed by a series of government and African peacekeeper offensives and a Kenyan army incursion in 2011. They withdrew from Mogadishu in August 2011, the port of Baidoa in February, the key town of Afgoye in May and the port of Merca in August, and lost their last urban stronghold - the major southern port of Kismayo - in October 2012, along with the major inland town of Wanla Weyn. In a sign

of growing confidence, Somalia's first formal parliament in more than 20 years was sworn in at Mogadishu airport, marking an end to the eight-year transitional period.'[1]

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2.2 Timeline

2.2.1 For a timeline of events, visit the BBC's Somalia Profile at:

http://www.bbc.co.uk/news/world-africa-14094632

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2.3 The Protagonists

State armed groups

2.3.1 Jane's Sentinel Security Assessment for Somalia last updated 5 November 2014 stated:

'The Somali Armed Forces (SAF), which was reconstituted during the TFG's rule, is responsible for protecting Somalia's territorial integrity. Although details on the force - which is being rebuilt thanks to finance and training provided by several friendly governments - remain sketchy, it is known to have five branches: the Somali National Army, Somali Air Force, Somali Navy, Somali Police Force and National Intelligence, and Security Agency (NISA). Of the five, the army is by far the biggest, reportedly consisting of six trained brigades, two of which are presently deployed, as of March 2013. Each brigade comprises three to six battalions of around 1,000 soldiers each, or 18,000-36,000 troops in total. Of these, an estimated 6,000-12,000 soldiers are currently in service. However, the force is known to suffer from poor morale, inadequate equipment, and defections.' [2]

'The other two main branches of the SAF, the air force and the navy, are even less cohesive, with the former yet to be fully re-established after ceasing to exist following the collapse of the Barre government in 1991.' [3]

'However, the Somali National Army (SNA) is increasingly being accepted as the sole legitimate force fighting on behalf of the Mogadishu government, albeit with localised help from allied militias. Despite training efforts from regional and Western partners, discipline is generally low and membership fluid.'[4]

'The Somali armed forces are the poorest in the region in terms of training and equipment. They are currently in no position to secure all of Somalia from the Shabab militants, let alone defend the borders of the country. The SNA continues to rely on forces deployed with the African Union Mission to Somalia (AMISOM), numbering approximately 17,000 (although a UN resolution in November 2013 raised the troop

[1] BBC News, Somalia Country Profile, 21 October 2014. http://www.bbc.co.uk/news/world-africa-14094503 [Accessed 19 November 2014]
[2] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[3] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[4] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]

ceiling to approximately 23,000). This is being presented as a surge that will last 18-24 months and will be part of the mission's "exit strategy".'[5]

'While Somalia's navy and air force are all but non-existent, the army has benefited from foreign training and is now actively engaged alongside AMISOM in operations to find and eliminate pockets of insurgent resistance throughout 2014.' [6]

'However, professionalism and morale concerns remain. In September 2011, AMISOM took up the responsibility of monitoring the payment of salaries to the SNA, therefore increasing the number of soldiers receiving their salary on time. This has had a positive impact on overall morale. ....Despite the slight increase in morale, the SNA continues to suffer from damaging desertions.'[7]

2.3.2 The US State Department report covering 2013 noted

'The provisional federal constitution states the armed forces are responsible for assuring the country's sovereignty and independence and territorial integrity. It states the national federal and state police are responsible for protecting lives and property and peace and security. The Ministry of Defense is responsible for controlling the armed forces. Police forces fall under a mix of regional administrations and the government. The national police force remained under the jurisdiction of the Ministry of Interior, while Somaliland and Puntland both maintained police forces in their areas of control, with their respective police forces falling under their areas' interior ministries. 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. At year's end the army consisted of approximately 20,000 soldiers. The bulk of the forces were located in Middle Shabelle and Lower Shabelle as well as Bay, Bakool, and Gedo. Ministry of Defense control was stronger over those forces located in the greater Mogadishu area, extending as far south as Merca, Lower Shabelle Region, and west to Baidoa, Bay Region, and north to Jowhar, Upper Shabelle Region. Somali National Army forces were organized into seven independent brigades. Army forces operated alongside the African Union Mission in Somalia (AMISOM) in the areas where AMISOM forces deployed.'

'Two separate police forces operated in Mogadishu, one under the control of the central government and the other under the Benadir regional administration. At year's end the federal police force expanded its presence from seven districts to all 16 districts of Mogadishu. Police officers in Mogadishu often owed their positions largely to clan and familial links rather than to government authorities. An AMISOM police contingent composed of 363 officers complemented Benadir and federal government policing efforts in Mogadishu. AMISOM police provided mentoring and advisory support to the Somali Police Force on basic police duties, respect for human rights, crime prevention strategies, community policing, and search procedures.'

[5] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[6] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[7] Jane's Sentinel Security Assessment, Somalia. Armed forces, Posted: 10 September 2014. Subscription source. [Accessed 19 November 2014]

'Security forces often failed to prevent or respond to societal violence.' [8] According to Col Gebrehaweria Fitwi, the Ethiopian force civil-military coordinator in Sector 3 of the Somali National Army (SNA), quoted in May 2014 'Clan loyalty is a big problem. SNA [operations] are restricted by clan influence. The police is especially clan-based, although the army is a little better. The SNA leadership is also very weak.' He added that 'There is the problem of SNA doing private security work [because of low pay] and they are asking us all the time for ammunition. The soldiers come from clans and almost all the army is newly recruited. There are no tactical skills, and there is no command and control'.[9]

2.3.3 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.'[10]

2.3.4 The same source continued:

'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.'[11]

2.3.5 In his September 2014 report, the UN Secretary-General reported that:

'The United Nations rule of law team, comprising UNSOM [United Nations Assistance Mission in Somalia] and United Nations country team staff, continued to support the Ministry of National Security in implementing peace building and State-building goal 2 of the Somali Compact. Police working group meetings were held on 6 May and 24 July. Eight strategic planning team members were hired to support the Somali police in the implementation of the strategic action plan for the period 2013-2017 devised by the Ministry and the police.'

'From 1 to 5 June [2014], UNSOM and AMISOM jointly facilitated a human rights training-of-trainers course for 25 Somali police officers. The twenty-second stipends payment cycle for police officers in southern and central Somalia was completed. Nearly 1,000 police officers in southern and central Somalia remain to be registered'.

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[8] US Department of State, Country Reports on Human Rights Practices for 2013, Somalia, 27 February 2014, Section 1d Role of the Police and Security Apparatus. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220158 [Accessed 19 November 2014]

[9] IRIN, Shortages, clan rivalries weaken Somalia's new army, 28 May 2014 http://www.irinnews.org/report/100141/shortages-clan-rivalries-weaken-somalia-s-new-army [accessed 2 December 2014]

[10] UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, January 2014, II. A. 5. The Security Situation and Its Impact on Civilians in Mogadishu and Other Areas under Control of the Somali Federal Government (Government Forces and AMISOM). http://www.refworld.org/country,,,,SOM,,52d7fc5f4,0.html [Accessed 19 November 2014]

[11] UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, January 2014, II. B. Governance and Rule of Law in Mogadishu and Other Areas of Southern and Central Somalia http://www.refworld.org/country,,,,SOM,,52d7fc5f4,0.html [Accessed 19 November 2014]

'On 13 June [2014], the Government of Japan approved the use of $4.5 million from the Trust Fund for Peace and Reconciliation in Somalia for a police utility, mobility and infrastructure project. United Nations police officers, through the joint global focal point arrangement, supervised the rehabilitation of four police stations and handed over the rehabilitated Boosaaso central police station on 20 July [2014]. UNSOM also secured funding to build an operations centre within the police headquarters and equipment to permit the police to be operational at all times.'

'UNSOM is currently supporting the Somali police in the recruitment of some 500 cadets in Mogadishu. The UNSOM rule of law team, with support from the United Nations Office for Project Services and with government stakeholders, began rule of law infrastructure assessments in southern and central Somalia to inform future programming support for construction and rehabilitation projects under the proposed joint rule of law programme.'

'The Explosive Ordnance Disposal Unit of the Somali police, supported by the United Nations Mine Action Service (UNMAS), responded to 935 call-outs and identified and destroyed 996 items of unexploded ordnance in Mogadishu and Baidoa. UNMAS, with funds from the Government of the United Kingdom of Great Britain and Northern Ireland, is equipping and training officers to provide the Somali police with improvised explosive device defeat capacity. The team will be operational by the end of 2014. Teams from AMISOM formed police units from Nigeria and Uganda were trained by UNMAS in explosive ordnance disposal, enabling joint AMISOM and Somali police operations to be conducted in Mogadishu.' [12]

2.3.6 The October 2014 Report of the Monitoring Group on Somalia and Eritrea notes that 'the central State apparatus was unable to exercise effective control over the use of armed force. Clans and political and business figures maintained their own armed militias. In areas in which Al-Shabaab was not in territorial control, it continued to operate, with attacks on civilians often increasing after the Federal Government had assumed control over one place or another. Territorial gains by the Federal Government rarely translated into increased capacity of the State to protect its civilians from attack'. [13]

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African Union Mission in Somalia (AMISOM)

2.3.7 Jane's Sentinel Security Assessment for Somalia states:

'In January 2007, the African Union Peace and Security Council authorised a peacekeeping mission in Somalia, known as AMISOM. It was initially proposed that the military element would involve the deployment of nine infantry battalions of 850 troops each and accompanying support elements. The UN Security Council (UNSC) officially authorised the operation in February 2007. The mission was initially only mandated for six months, but the UN has repeatedly renewed the mandate. The European Union and the US have both provided financial support for the mission.' [14]

[12] UN Security Council, Report of the Secretary-General on Somalia, 25 September 2014, S/2014/595, Para 36 - 40 available at: http://www.refworld.org/docid/543662844.html [accessed 19 November 2014]
[13] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 111 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]
[14] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]

‘According to the UN, AMISOM was "mandated to support transitional governmental structures, implement a national security plan, train the Somali security forces, and assist in creating a secure environment for the delivery of humanitarian aid".

‘AMISOM consists of a civilian component, essentially a political affairs unit which has the role of assisting the Somali government in the re-establishment of functioning state institutions; a police component which has the role of training, mentoring and advising the Somali Police Force (SPF); and a main element, the military component. By the end of 2012, the strength of the latter had risen to more than 17,000 with the integration into AMISOM in July of the Kenyan military force, which had moved into Somalia in late 2011 in pursuit of Harakat al-Shabaab al-Mujahideen (al-Shabaab) fighters. At the time of its integration into AMISOM, the Kenyan force had a strength of more than 4,600, including some air force and naval elements. In late 2012, contingents were also being contributed to AMISOM by Burundi, Uganda, Djibouti, and Sierra Leone; these contingents had received training from US military instructors prior to deployment to Somalia. AMISOM troops, which help to maintain security in Mogadishu and other urban centres, such as Kismayo, and to protect facilities such as the presidential palace. Counter-insurgency training, financed by the US and the UN, has been provided to the AMISOM troops by mentors from the US private security contractor, Bancroft Global Development.’ [15]

‘The UNSC [UN Security Council] approved the deployment of an additional 4,000 troops for AMISOM in November 2013, a move that would take the force level up to a maximum of 22,126. Resolution 2124 also emphasised to member states the need for up to 12 military helicopters, although funding for the latter remained uncertain at that stage. [16]

2.3.8 The current military component of AMISOM is deployed in six sectors covering south and central Somalia.:

- Ugandan troops are deployed in Sector 1, which comprises the regions of Banadir, and Lower Shabelle.
- Kenyan forces are responsible for Sector 2 comprising Lower and Middle Jubba.
- Sector 3 comprising Bay and Bakool as well as Gedo (Sub Sector 3) comes under Ethiopian command.
- Djiboutian forces are in charge of Sector 4 which covers Hiiraan and Galgaduud
- Burundian forces are in charge of Sector 5 which covers the Middle Shabelle region.
- In addition, Sierra Leone forces are in charge of Sector 6 Kismayo covering the port city and its environs. [17]

2.3.9 On 8 September 2014, Human Rights Watch released a report documenting the sexual exploitation and abuse of Somali women and girls on two AMISOM bases in Somalia’s capital, Mogadishu, since 2013. The AU soldiers, relying on Somali intermediaries, have used a range of tactics, including humanitarian aid, to coerce vulnerable women and

[15] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[16] Jane's Sentinel Security Assessment, Somalia. Security and foreign forces, Posted: 5 November 2014. Subscription source. [Accessed 19 November 2014]
[17] AMISOM, AMISOM Military Component, undated , http://amisom-au.org/mission-profile/military-component/ [Accessed 19 November 2014]

girls into sexual activity. They have also raped or otherwise sexually assaulted women who were seeking medical assistance or water at AMISOM bases. Human Rights Watch interviewed 21 women and girls who described being raped or sexually exploited by Ugandan or Burundian military personnel serving with the AU forces.[18] The African Union's (AU) issued a statement following the release of the report, which confirmed their zero tolerance policy on misconduct or abuses in peace support operations, and undertook to investigate fully and report on the concerns raised.[19]

2.3.10 The UN Monitoring Group on Somalia and Eritrea reports that it 'received a range of credible allegations of sexual and gender-based violence, including sexual exploitation and abuse by AMISOM personnel. Although the Mission took steps towards more effective prevention and training, it remained challenging to enforce the law and AMISOM policy, as well as ensure accountability and redress for violations. […] At the national level, remedies for sexual and gender-based violence were extremely difficult to pursue, not only owing to significant obstacles in the legal framework and the interaction of customary and sharia law, but also as a result of the social, cultural and political climate, involving resort to clan protection or dispute resolution, rather than prosecution. The culture of denial that persisted, in particular where State actors or those close to them were accused of sexual and gender-based violence, was reflected in the handling of two high-profile rape cases in 2013, where the alleged victims and those who reported on the incidents or supported the victims were themselves convicted of offences. Nevertheless, the Federal Government announced a range of significant new initiatives to combat sexual violence, including through the creation of sector-specific government action plans and the development of a sexual offences bill. The steps were positive, but implementation will be critical.'[20]

2.3.11 The October 2014 Report of the Monitoring Group on Somalia and Eritrea notes that 'Outside combat operations, there were reports of violations by the Somali security forces and its allies of other applicable international law, including arbitrary arrest and detention, extrajudicial killings and torture. Arrest operations involving the arrest of large numbers of individuals were conducted regularly by Somali security forces (sometimes jointly with AMISOM), or by allied forces. These operations were generally conducted in anticipation, or in the wake, of attacks by Al-Shabaab'.[21]

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Non state armed groups

Al Shabaab

2.3.12 Al-Shabaab is the principal threat to peace and security in Somalia.[22] The BBC describes Al-Shabaab has having emerged as the radical youth wing of Somalia's now-

[18] Human Rights Watch, "The Power These Men Have Over Us". Sexual Exploitation and Abuse by African Union Forces in Somalia, 8 September 2014. http://www.hrw.org/reports/2014/09/08/power-these-men-have-over-us [Accessed 19 November 2014]

[19] FCO. Somalia - Country of Concern: latest updates, 30 September 2014 https://www.gov.uk/government/publications/somalia-country-of-concern/somalia-country-of-concern-latest-updates-30-september-2014 [Accessed 19 November 2014]

[20] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 119-120 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

[21] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Annex 8.1 Targeting of civilians para 13 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

[22] UN, Report of the Monitoring Group on Somalia and Eritrea (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013, Summary, p7 http://reliefweb.int/sites/reliefweb.int/files/resources/N1336185.pdf

defunct Union of Islamic Courts, which controlled Mogadishu in 2006, before being forced out by Ethiopian forces. There are numerous reports of foreign jihadists going to Somalia to help Al-Shabaab, and the group has claimed to be allied with al-Qaeda. It is banned as a terrorist group by both the US and the UK and is believed to have between 7,000 and 9,000 fighters.[23]

2.3.13 A Congressional Research Service report entitled Al Qaeda-Affiliated Groups: Middle East and Africa dated 10 October 2014 described the origins of Al Shabaab as follows:

'Al Shabaab emerged in the early 2000s amid a proliferation of Islamist and clan-based militias that flourished in predominately Muslim Somalia in the absence of central government authority. In 2006, an alliance of local Islamic courts established control over Mogadishu with support from Al Shabaab. Loosely affiliated with local Islamic courts, Al Shabaab, unlike the clan militias, drew members from across clans, ascribing to a broader irredentist and religiously driven vision of uniting ethnic Somali-inhabited areas of Kenya, Ethiopia, Djibouti, and Somalia under an Islamist caliphate. Several of Al Shabaab's leaders had reportedly trained and fought with Al Qaeda in Afghanistan, and known Al Qaeda operatives in the region were associated with the group in its formative years.'

'Al Shabaab grew in prominence in 2006, when hardliners within the Islamic courts called for jihad against neighboring Ethiopia. Ethiopia, reportedly supported by the United States, had backed a group of Mogadishu warlords, purportedly to capture suspected Al Qaeda operatives and counter the growing Islamist presence in the Somali capital. When Ethiopia intervened directly, deploying its own forces to Mogadishu in late 2006 to defeat the courts' militias, Al Shabaab played upon historic anti-Ethiopian sentiment in the country to fuel an increasingly complex insurgency against the Ethiopian army and other regional forces deployed under the auspices of the African Union. Some analysts argue that Al Shabaab and other hardliners benefited directly from the U.S.-backed Ethiopian intervention that removed their rivals and gave credence to Al Shabaab's anti-foreign rhetoric.'[24]

2.3.14 A February 2014 research paper on major Somali refugee displacements recorded that:

'In September 2011, al Shabaab carried out a "tactical withdrawal" from most of Mogadishu under pressure from TFG and AMISOM forces which successfully gained control of many of the larger towns in the south over the following twelve months. These gains were accompanied by a political process that brought about an end to the transitional period and the selection of a new Parliament, President, Prime Minister and Cabinet. In November 2012, al Shabaab's final remaining urban base, Kismayo, was captured by Somali Federal Government (SFG)/AMISOM forces.'

'At the time of writing [February 2014], the Somali Federal Government with the support of AMISOM is in control of the major urban areas in South Central Somalia. Al Shabaab however still controls large swathes of rural territory. Through regular attacks in Mogadishu, Kismayo and other cities in Somalia, as well as attacks in Kenya and Uganda, it has demonstrated that it is still a regional security threat.'[25]

[Accessed 19 November 2014]

[23] BBC News, Who are Somalia's al-Shabab? 16 May 2014. http://www.bbc.co.uk/news/world-africa-15336689 [Accessed 19 November 2014]

[24] Congressional Research Service, Al Qaeda-Affiliated Groups: Middle East and Africa, 10 October 2014. Page16. http://fpc.state.gov/documents/organization/233708.pdf [Accessed 21 November 2014]

[25] New Issues in Refugee Research. Research Paper No. 268. History, overview, trends and issues in major Somali refugee displacements in the near region. Laura Hammond, School of Oriental and African Studies

2.3.15 The July 2013 report of the UN Security Council Monitoring Group on Somalia and Eritrea provided a summary of the size, resource, capability and tactics of Al-Shabaab, 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.'[26]

2.3.16 On 5 September 2014 it was reported that Al-Shabaab leader Godane had been killed earlier that week in a US air strike targeted against him.[27] The following day it was reported that Al-Shabaab had named a new leader after confirming the killing of its previous leader by a US air strike. "The Somali militants unanimously selected Ahmad Umar, also known as Abu Ubaidah, at a meeting in an undisclosed location in Somalia, said rebel commander Abu Mohammed.....Al-Shabaab also stated that it remains aligned with al-Qaida"[28]

- See also section below 'Al-Shabaab targets and capabilities'

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2.4 Nature and level of violence

Overview

2.4.1 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

(SOAS). February 2014. http://www.ecoi.net/file_upload/1930_1395766697_53301a444.pdf Accessed 21 November 2014]

[26] UN, Report of the Monitoring Group on Somalia and Eritrea (MGSE) pursuant to Security Council resolution 2060 (2012),12 July 2013, p7. http://reliefweb.int/sites/reliefweb.int/files/resources/N1336185.pdf [Accessed 21 November 2014]

[27] The Guardian, Al-Shabaab leader Ahmed Abdi Godane killed by US air strike in Somalia. 5 September 2014. http://www.theguardian.com/world/2014/sep/05/al-shabaab-leader-godane-killed-us-airstrike-somalia [Accessed 19 November 2014]

[28] The Guardian. Al-Shabaab ushers in new leadership after deadly US air strike. 6 September 2014. http://www.theguardian.com/world/2014/sep/06/al-shabaab-leadership-ahmad-umar-air-strike-somalia [Accessed 19 November 2014]

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.'[29]

2.4.2 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. […] 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. Al-Shabaab is down but not out. It 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 Mogadishu's heavily fortified areas, including the national courts, the UN compound, the Turkish embassy, and popular gathering places such as the Village restaurant. Somalia also 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.'[30]

2.4.3 The UNHCR position paper, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 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 crossfire in the context of armed clashes and by improvised explosive devices (IEDs) and grenade attacks.'[31]

[29] UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari,16 August 2013, para 93, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-40_en%20%281%29.pdf [Accessed 21 November 2014]

[30] International Crisis Group, EJ Hogendoorn: Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward, 8 October 2013. http://www.crisisgroup.org/en/publication-type/speeches/2013/hogendoorn-security-and-governance-in-somalia.aspx [Accessed 21 November 2014]

[31] UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II. A. 3. The Security Situation and its Impact on Civilians

2.4.4 The October 2014 Report of the Monitoring Group on Somalia and Eritrea noted that 'Attacks by Al-Shabaab against the Somali National Armed Forces (SNAF) and the African Union Mission in Somalia (AMISOM) in high population density areas resulted in civilian causalities due to choice of weapons and lack of targeting or attempt to confine the impact of the attack. Urban areas where AMISOM, SNAF and their allies had their primary bases, such as Belet Wenye, Baidoa, Kismayo and Mogadishu, saw the worst casualties […] Throughout Somalia, the use of armed violence for control of land, business interests and other resources was intertwined with increased political and inter-clan conflict, all unfolding against a backdrop of consistently weak and co-opted State security and justice structures.'[32]

2.4.5 The report further notes that 'In Lower Shabelle and Middle Shabelle, clan-based political violence broke out and sharply escalated from 2013 to the present. The fighting has involved clan militia of the Biyamal (Dir) and Habar Gedir (Hawiye) in Lower Shabelle and the Abgaal (Hawiye) and Shiidle (Bantu/Jareer) in Middle Shabelle, revenge killings and attacks on civilian settlements amounting to gross violations of human rights and, in some cases, international humanitarian law. The complexity of the situation, for example in Lower Shabelle, entails a combination of the alleged role of senior army officers and soldiers in the violence, leakages of arms to clan-based militias, use of misappropriated resources to fuel the conflict, business interests in capturing land and other resources and political agendas seeking to influence the federal state - formation process. The conflict risks spilling over to other regions, including the capital region of Banadir (Mogadishu) and Bay region (Baidoa), and complicates the continuing campaign against Al-Shabaab.'[33]

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Al-Shabaab targets and capabilities

- For a chronology of Al-Shabaab events from April 2014-October 2014, see: Austrian Centre for Country of Origin and Asylum Research and Documentation, Somalia: Al-Shabaab, 15 October 2014 at: http://www.ecoi.net/local_link/288575/408604_en.html

- For a chronology of Al-Shabaab events from January 2013 to August 2014, see: Austrian Centre for Country of Origin and Asylum Research and Documentation, Somalia: Al-Shabaab, 1 September 2014 at: http://www.ecoi.net/local_link/288574/408602_en.html

2.4.6 The October 2014 report of the UN Security Council's Monitoring Group on Somalia and Eritrea reported:

'Harakaat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the principal threat to peace and security in Somalia and throughout the Horn of Africa. Its inability to retain its

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in, Disputed Areas / Areas Affected by Fighting or Armed Clashes available at: http://www.refworld.org/docid/52d7fc5f4.html [accessed 21 November 2014]

[32] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 110 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

[33] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 36 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

military strength and posture of 2009-2010 notwithstanding, its threat continues to reverberate, generating fatal attacks throughout southern and central Somalia while and coordinating attacks against neighbouring countries.'

'Similarly, Al-Shabaab has continued to demonstrate its violent operational reach beyond Mogadishu, where it has enhanced its capacity by adopting an apparent economy of effort strategy. The strategy has also involved Al-Shabaab maintaining an effective and violent footprint in the capital, its widely publicized withdrawal in August 2011 notwithstanding.'

'As in the past, its attacks have been calculated, coordinated and part of a strategic campaign involving a sustained asymmetrical conflict. Its tactics include improvised explosives (person-borne, vehicle-borne and radio-controlled), mortar shelling, grenade and hit-and-run attacks and frequent ambushes in "recovered" locations such as Baidoa, Beledweyne and Kismayo. The attacks have targeted, among others, civilians, parliamentarians, African Union Mission in Somalia (AMISOM) forces, United Nations staff and government institutions, including repeated "spectacular" attacks against the presidential palace, a key target of Al-Shabaab operations in Mogadishu during the current mandate.'

'Organizationally, while Al-Shabaab appears to have aligned itself closer to the Al-Qaida transnational agenda, devoting considerable operational efforts to attacks beyond the borders of Somalia, it has also repositioned itself to adopt a more tactically violent approach to its campaign within the country, as illustrated by its activities in locations such as Mogadishu.'[34]

2.4.7 The January 2014 UNHCR position paper 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.

'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

[34] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia. 13 October 2014. Para 10 – 13. http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 20 November 2014]

non-combatants for alleged spying within territory under the group's control, and generally mounting levels of violence.'[35]

2.4.8 Amnesty International reported in October 2014 that 'Al-Shabaab still controls vast swathes of south and central Somalia. It is widely documented that people who live in al-Shabaab territories face widespread and grave human rights abuses. […] Al-Shabaab regularly capture and imprison people suspected of activities against their interpretation of Shar'ia law. […] It is said that thousands are imprisoned for 'minor offenses' such as smoking, listening to music and engaging in other leisure activities. Torture and other ill-treatment such as stoning, public whipping and amputation are used as 'punishment' if these rules are not adhered to. Reports state there have been increases in beheadings, torture and other ill-treatment and abductions since 2013'.[36]

2.4.9 The same source further notes that 'People who are suspected of having links to SNAF, AMISOM or associated militias, or to external governments and international agencies, are at increased risk of being unlawfully killed, tortured and otherwise ill-treated or threatened. Those unfamiliar to al-Shabaab operatives or who have been outside of al-Shabaab held areas can be objects of suspicion. Often, al-Shabaab executes individuals it suspects of spying for the government. It is reported that, throughout 2013 and 2014, an increasing number of people accused of spying have been executed. Such abuses are at times carried out in public, including through beheadings, stoning, amputations and floggings.'[37] According to the September 2014 report of the Secretary-General on Somalia, 'Al-Shabaab reportedly carried out at least 21 public executions during the reporting period, notably in the Bay and Bakool regions, of people whom they accused of either spying for the Federal Government or breaking regulations that the group had imposed in areas under its control'.[38] '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.'[39]

2.4.10 In a letter to the UN Security Council dated 14 October 2013, the Secretary-General noted that 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,

[35] UN High Commissioner for Refugees (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. available at: http://www.refworld.org/docid/52d7fc5f4.html [Accessed 21 November 2014]

[36] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]

[37] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]

[38] UN Security Council, Report of the Secretary-General on Somalia, 25 September 2014, S/2014/595, Para 52 available at: http://www.refworld.org/docid/543662844.html [Accessed 1December 2014]

[39] UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, p5 The Security Situation and Its Impact on Civilians in Mogadishu and Other Areas under Control of the Somali Federal Government (Government Forces and AMISOM). available at: http://www.refworld.org/docid/52d7fc5f4.html [Accessed 21 November 2014]

- State institutions and the international presence working in Somalia, including the United Nations.[40]

2.4.11 In addition to these profiles, the UN Monitoring Group on Somalia and Eritrea further noted that Al-Shabaab also targeted:

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

'These operations have caused hundreds of civilian casualties, including women and children and foreigners.'[41] The October 2014 Report of the Monitoring Group on Somalia and Eritrea adds shopkeepers to this list of targets[42] and notes that 'In the past year, Al-Shabaab continued to adopt a sinister policy of targeted killings as an essential tactic in intimidating the population and destabilizing the FGS in Mogadishu. Since 2009, the Monitoring Group has observed a gradual escalation in this tactic, especially with disturbingly high numbers recorded during 2014'.[43]

2.4.12 UNHCR's January 2014 protection guidelines identified the following potential risk profiles:

(i) Individuals associated with, or (perceived as) supportive of the SFG and the international community, including the AMISOM forces;
(ii) Individuals (perceived as) contravening Islamic *Sharia* and decrees imposed by Al-Shabaab, including converts from Islam, other "apostates" and moderate Islamic scholars who have criticized Al-Shabaab extremism;
(iii) Individuals (perceived as) opposing the SFG and related interests and individuals (suspected of) supporting armed anti-Government groups;
(iv) Individuals in certain professions such as journalists, members of the judiciary, humanitarian workers and human rights activists, teachers and staff of educational facilities, business people and other people (perceived to be) of means;
(v) Individuals (at risk of being) forcibly recruited;
(vi) Members of minority groups such as members of the Christian religious minority and members of minority clans;
(vii) Individuals belonging to a clan engaged in a blood feud;
(viii) Women and girls;
(ix) Children;

[40] UN Security Council, Letter dated 14 October 2013 from the Secretary-General addressed to the President of the Security Council , 14 October 2013, S/2013/606, page 3. Available at: http://www.refworld.org/docid/5289f7f84.html [accessed 20 November 2014]
[41] UN, Report of the Monitoring Group on Somalia and Eritrea (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013,para 11. http://reliefweb.int/sites/reliefweb.int/files/resources/N1336185.pdf [Accessed 21 November 2014]
[42] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Annex 1.3 Al-Shabaab in Mogadishu: tactics, techniques and procedures, para 12 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]
[43] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Annex 1.3 Al-Shabaab in Mogadishu: tactics, techniques and procedures, para 12 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

(x) Victims and persons at risk of trafficking;
(xi) Sexual and/or gender non-conforming persons (lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals);
(xii) Persons with a mental disability or suffering from mental illness. [44]

2.4.13 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.'[45]

2.4.14 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.'[46]

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 framework remains inadequate.'[47] 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.'[48]

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[44] UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, HCR/PC/SOM/14/01, available at: http://www.refworld.org/docid/52d7fc5f4.html [accessed 21 November 2014]
[45] Human Rights Watch, World Report 2014 – Somalia, January 2014, Somalia chapter4. http://www.hrw.org/world-report/2014/country-chapters/somalia [Accessed 21 November 2014]
[46] UN, Report of the Monitoring Group on Somalia and Eritrea (MGSE) pursuant to Security Council resolution 2060 (2012), 12 July 2013 paragraph 131 . http://reliefweb.int/sites/reliefweb.int/files/resources/N1336185.pdf [Accessed 21 November 2014]
[47] UN High Commissioner for Refugees (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. available at: http://www.refworld.org/docid/52d7fc5f4.html [Accessed 21 November 2014]
[48] UN, Report of the Secretary-General on Somalia, 3 September 2013, para 38. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2013_521.pdf [Accessed 21 November 2014]

Security situation in 2014 and Offensives (Operation Eagle and Operation Indian Ocean)

2.4.15 The Foreign and Commonwealth Office reported that in March 2014, the African Union Forces (AMISOM) launched a renewed offensive against Al Shabaab strongholds, following the uplift in troops mandated by UN Security Council Resolution 2124 (2013). AMISOM, alongside Somali National Army (SNA) troops have succeeded in retaking key towns from Al Shabaab, including Xudur and Bula Burto. Further operations are planned ahead of the main rainy season, due in April. Al Shabaab has responded by withdrawing from towns into surrounding territories, while continuing to threaten local populations and mount asymmetric attacks, such as the suicide attack on 18 March in Bula Burto.[49]

2.4.16 Jane's Sentinel Security Assessment for Somalia reported that:

'In March 2014, the long-awaited operation by AMISOM and the SNA to re-take large parts of the country started with the retaking of the Al-Shabaab stronghold of Bulo Burte, about 125 KM to the north of Mogadishu.'

'On 22 March 2014, the Ugandan contingent in AMISOM and the SNA captured Qoryoley in Lower Shabelle region from Al-Shabaab'.

'On 26 March 2014, Ethiopian and SNA troops attacked and occupied the main Al-Shabaab stronghold of El Buur in Galgaduud region in central Somalia. The allied troops attacked El Buur from the city of Dhusamareb, which is about 150 KM from El Buur. On 21 April, Al-Shabaab took over the Daynunay military base after government soldiers withdrew to Buurhabkaba. AMISOM had recently handed over this base to the SNA. '[50]

2.4.17 Reporting on Operation Eagle the report of the Secretary-General on Somalia noted that 'During the first phase of the joint operations, significant gains were achieved on multiple fronts in territory controlled by Al-Shabaab. At the same time, protracted insecurity was experienced in Mogadishu. On 21 February [2014], 11 Al-Shabaab fighters carried out a complex attack on Villa Somalia using explosives and small arms, resulting in eight fatalities. On 27 February, a car bomb targeting army officers in the Shibis district killed eight people and injured six. On 15 March, an explosive-laden vehicle detonated prematurely in front of the Maka al-Mukarama hotel, injuring four security guards and seven civilians. On 21 and 22 April, respectively, two members of the Federal Parliament, Isak Mohamed Rino and Abdul Aziz Isaq Mursal, were assassinated in Mogadishu. Separately, mortar shelling, likely perpetrated by Al-Shabaab with the support of local sympathizers, continued in Mogadishu'.[51]

2.4.18 Renewed operations have led to fears of increased civilian casualties and humanitarian impact. There are numerous reports of civilians fleeing areas of active conflict with an influx of internally displaced persons (IDPs) into AMISOM-held towns in surrounding areas. However, there are indications that people are moving back into areas as AMISOM and SNA troops retake territory. Initial reports of Al Shabaab destroying vital infrastructure as they withdraw appear to have been overstated. Key needs for civilians

[49] FCO. Somalia - Country of Concern: latest updates, 31 March 2014 https://www.gov.uk/government/publications/somalia-country-of-concern/somalia-country-of-concern-latest-update-31-march-2014 [Accessed 21 November 2014]
[50] Jane's Sentinel Security Assessment. Somalia. Army. Posted: 4 April 2014. Subscription source.
[51] UN Security Council, Report of the Secretary-General on Somalia, 12 May 2014, paragraph 9 and 10 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_330.pdf [accessed 1 December 2014]

temporarily displaced by the fighting have been identified as shelter, household items, food, safe drinking water and healthcare. [52]

2.4.19 The September report of the Independent Expert on the situation of human rights in Somalia notes that 'It was stated that credible reports indicated that during the March 2014 offensive against Al-Shabaab in Jubaland, transgressions against civilians had been witnessed.'[53]

2.4.20 In June 2014 UNHCR reported that 'The ongoing operation has, so far, led to the displacement of about 73,000 persons. Human rights abuses are reported in areas where military activities take place, although verification of these reports remains a challenge due to insecurity and access constraints. Transit routes to and from key towns are unsafe as criminal elements have established illegal checkpoints where they are reported to harass and extort money and valuables from IDPs. Even where the State has re-established territorial control, local civilian governance, including functioning justice and security structures, will need to be rebuilt. The situation in these areas is expected to remain fragile for some time'.[54]

2.4.21 A June 2014 International Crisis Group report notes that 'Despite the recent military surge against Somalia's armed Islamist extremist and self declared al-Qaeda affiliate, Al-Shabaab, its conclusive "defeat" remains elusive. The most likely scenario – already in evidence – is that its armed units will retreat to smaller, remote and rural enclaves, exploiting entrenched and ever-changing clan-based competition; at the same time, other groups of radicalised and well-trained individuals will continue to carry out assassinations and terrorist attacks in urban areas, including increasingly in neighbouring countries, especially Kenya.'[55]The October 2014 report of the UN Security Council Monitoring Group on Somalia and Eritrea

'Meanwhile, offensive action by AMISOM, supported by the national armed forces, has seen Al-Shabaab cede more territory in Somalia during the current reporting period... Following the adoption of Security Council resolution 2124 (2013), a military campaign under Operation Eagle was launched in March 2014 with the objective of degrading Al-Shabaab's capacity to control strategic locations in Somalia. The current cessation in military operations notwithstanding, Operation Eagle appears to have made tangible gains, including capturing areas from Al-Shabaab in Bakool, Galguduud, Gedo, Hiiraan and Lower Shabelle.'

'Both AMISOM and the national armed forces have, however, had to contend with regular attacks by Al-Shabaab in the recovered locations, highlighting the scope of the group's infiltration. An example of this was on 13 March 2014, following the capture by AMISOM of Buulobarde in the Hiiraan region. Less than a week later, Al-Shabaab carried out a "complex" attack against a makeshift AMISOM base in Buulobarde on 18 March 2014, killing two AMISOM soldiers and a number of national armed forces personnel.'[56]

[52] FCO. Somalia - Country of Concern: latest updates, 31 March 2014 https://www.gov.uk/government/publications/somalia-country-of-concern/somalia-country-of-concern-latest-update-31-march-2014 [Accessed 20 November 2014]

[53] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, 4 September 2014, paragraph 15 http://www.refworld.org/docid/5436a8b84.html [Accessed 2 December 2014]

[54] UNHCR, UNHCR position on returns to South and Central Somalia, 17 June 2014 http://www.ecoi.net/file_upload/1930_1403598415_53a04d044.pdf [Accessed 2 December 2014]

[55] International Crisis Group, Somalia: Al-Shabaab– It Will Be a Long War, 26 June 2014 http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/somalia/b099-somalia-al-shabaab-it-will-be-a-long-war.pdf [accessed 2December 2014]

[56] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia. 13 October 2014. Pare 18 – 19.

2.4.22 In late August 2014, the Somali National Army and AMISOM launched the joint Operation Indian Ocean as its "last push" to seize control of all remaining al-Shabaab strongholds in southern Somalia. Al-Shabaab withdrew from the multiple towns and bases it held in advance of joint Somali-AMISOM troops, giving up control of key locations, yet consistent with its asymmetric warfare strategy. On 30 August, joint troops took Bulo-Marer, Lower Shabelle region, defeating resistance from al-Shabaab. The capture of Bulo-Marer is particularly significant as it served as al-Shabaab's tax-collection hub and grounds for recruitment for a number of years. Shortly after, Kurtunwarey was liberated, joint SNA-AMISOM troops took control of Jalalaqsi, Hiran region, located along the Shabelle River and connecting Jowhar to Bulo-Barde, in September. The town served as a base for the group to launch attacks against military bases.[57]

2.4.23 In his September 2014 report, the UN Secretary-General reported:

'The overall security situation in Somalia remains volatile. In Mogadishu, the number of incidents attributed to Al-Shabaab abated during May and June [2014], but incidents during Ramadan increased as expected. On 24 May [2014], Al-Shabaab fighters stormed the Federal Parliament building. Three AMISOM and 11 Somali troops were killed, while more than 20 others were injured, including a parliamentarian. Al-Shabaab claimed responsibility and vowed more attacks against the Federal Government and those it termed "invaders", including the United Nations.'

'In July [2014], Mogadishu experienced a surge in targeted assassinations. The victims comprised members of the Somali security forces and civilians, including two parliamentarians. Small-scale explosions also increased. On 8 July [2014], Somali troops foiled a complex attack inside Villa Somalia at the early stages of its execution. Another attack at the Federal Parliament building on 5 July [2014], failed when Somali police officers fired at a suspicious vehicle, which detonated, killing the suicide bomber and five officers. On 30 August [2014], Al-Shabaab attacked a National Intelligence and Security Agency prison in Mogadishu, resulting in the deaths of seven attackers and three Agency personnel.'

'Following the attack of 8 July [2014], the Federal Government replaced several senior security officials, including the Minister of National Security, the Police Commissioner and the Director General of the National Intelligence and Security Agency. After Ramadan, AMISOM and the Somali security forces launched a series of disarmament operations in Mogadishu in an attempt to improve the security situation.'

'In southern and central Somalia, Al-Shabaab continued to exert pressure. In the Galguduud and Hiraan regions, it intensified guerrilla activities around the former strongholds of Ceel Buur and Buulobarde. On 26 June [2014], insurgents carried out a complex attack against a Djiboutian base in Buulobarde, killing two Somali troops.'

'While Shabelle Dhexe was comparatively quiet, Shabelle Hoose remained volatile, in particular around Afgooye, Marka and Qoryooley. Clan conflict between Biimaal and Habar Gidir militias also resurfaced, with fatal clashes, abductions and killings reported every week in June and July [2014].'

'On 10 May [2014], Waajid, Bakool region, experienced its first terrorist attack since being recovered by AMISOM and the national army, when an explosion outside a

http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 20 November 2014]

[57] Jane's Sentinel Security Assessment. Somalia. Security. Posted: 5 November 2014. Subscription source.

restaurant caused five casualties. On 12 May [2014], a suicide car bombing in Baidoa, Bay region, killed 19 bystanders and injured 13 others. On 27 May [2014], fierce fighting between Al-Shabaab, AMISOM and clan militias in Ato, Bakool region, resulted in more than 40 reported fatalities.'

'Kismaayo remained relatively calm, although underlying clan tensions sporadically escalated into armed violence among the Interim Juba Administration security forces. Kenyan forces launched air strikes in support of AMISOM around Jilib, Juba Dhexe, on 18, 20 and 24 May [2014], and 16, 22 and 24 July [2014], as well as around Badhaadhe, Juba Hoose, on 21, 23 and 24 June [2014].'[58]

2.4.24 At a joint security update briefing by the Federal Government of Somalia and AMISOM on 27 October 2014 it was reported:

'The first operation - Operation Eagle - began in March this year and resulted in 10 significant towns being liberated. The second operation, Operation Indian Ocean, has focused on Somalia's strategic coastal towns. Eight towns, including the al-Shabaab strongholds of Barawe and Adale, have been liberated so far." He then went on to explain the strategy behind the selection of towns, chosen to disrupt al-Shabaab resupply routes and then to isolate each pocket of resistance for detailed destruction. He noted also that Koday had been recovered only 48 hours earlier and that further towns could be expected to fall imminently.'

'As of now, the only significant towns still under al-Shabaab control are Jamaame, Jilib, Buale and Sakow in Middle Juba Region, Diinsor in Bay region and Bardere in Gedo region. There are also a few other smaller towns like El-Dere in Middle Shabelle.'

'AMISOM is happy to report an improved security situation in the capital Mogadishu and generally in areas under the Federal Government's control. There have been a few desperate attacks, mainly in retaliation for the massive losses suffered by the insurgents during our various operations. Attempted attacks on Parliament and Villa Somalia were successfully dealt with by AMISOM, working with Somalia's national security forces. We remain vigilant and condemn all attacks on innocent Somali citizens.'[59]

2.4.25 During October 2014, Al Shabaab demonstrated a continuing capacity to carry out attacks on targets in Mogadishu, including a car bomb attack on 12 October which resulted in the deaths of at least 13 people[60] and a bomb attack outside a popular Mogadishu restaurant which killed and injured many people on 16 October.[61] On 3 December, the BBC reported that at least six people were killed when Al Shabaab targeted a UN convoy near the airport in Mogadishu.[62]

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[58] UN Security Council, Report of the Secretary-General on Somalia, 25 September 2014, S/2014/595, Para 14 – 20. available at: http://www.refworld.org/docid/543662844.html [Accessed 19 November 2014]

[59] Republic of Somalia. The Presidency Directorate of Communications. Joint Security Update by the Federal Government of Somalia and the African Union Mission in Somalia on Operation Indian Ocean. 27 October 2014. https://madmimi.com/p/d28675?fe=1&pact=25887556404 [Accessed 27 November 2014]

[60] UNSOM, UN Special Representative for Somalia condemns car bomb attack in Mogadishu, 13 October 2014 http://unsom.unmissions.org/Portals/UNSOM/131014%20SRSG%20condemns%20car%20bomb%20attack%20in%20Mogadishu%20(English).pdf [accessed 2 December 2014]

[61] UNSOM, UN Special Representative for Somalia condemns Mogadishu bomb attacks, 16 October 2014 http://unsom.unmissions.org/Portals/UNSOM/141016%20SRSG%20condemns%20Mogadishu%20attacks.pdf [accessed 2 November 2014]

[62] BBC, Somalia car bomb targets UN convoy near airport, 3 December 2014, http://www.bbc.co.uk/news/world-africa-30306174 (Accessed 4 December 2014)

Statistics

NOTE: 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.

2.4.26 In its January 2014 position paper, 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.'[63]

2.4.27 In the country guidance case of MOJ & Ors (Return to Mogadishu) (Rev 1) (CG) [2014] UKUT 442 (IAC) (3 October 2014), the Upper Tribunal agreed with each of the parties to the appeals that the available data on casualties is incomplete and insufficiently consistent in respect of its collation so as to make it impossible to arrive at any reliable total figures. That does not mean the information is of no use at all, but that caution must be exercised in making use of it.[64]

2.4.28 Armed Conflict Location and Event Dataset (ACLED), which aims to map security incidents in Africa based on information from a range of sources, produce regular statistical reports which can be accessed on the ACLED website at:

http://www.acleddata.com/research-and-publications/conflict-trends-reports/

2.4.29 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 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.

[63] UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II, A.1. Civilian Casualty Figure available at: http://www.refworld.org/docid/52d7fc5f4.html [Accessed 21 November 2014

[64] UK Tribunal Service. Upper Tribunal (Immigration and Asylum Chamber. MOJ & Ors (Return to Mogadishu) (Rev 1) (CG) [2014] UKUT 442 (IAC) (3 October 2014) MOJ & Ors (Return to Mogadishu) (Rev 1) (CG) [2014] UKUT 442 (IAC) (3 October 2014). Para 378-379. http://www.bailii.org/uk/cases/UKUT/IAC/2014/[2014]_UKUT_442_iac.html

'No information for number of harmed people is recorded in any other space besides the notes column.'[65]

2.4.30 Amnesty International reported in October 2014 that 'In 2013, Somalia had the highest level of conflict events in Africa. Armed clashes take place outside of Mogadishu and in rural areas of south central Somalia. Fragile security gains in Mogadishu are short-lived. Though al Shabaab no longer controls parts of Mogadishu, it engages in guerrilla warfare, routinely using improvised explosive devices (IEDs) and carrying out grenade and suicide attacks. Despite the ongoing lack of a civilian casualty tracking system, it is widely documented that military operations result in civilian casualties, with civilians killed and wounded in crossfire during armed clashes, through IEDs as well as grenade and suicide attacks. […] Throughout 2014, al-Shabaab activity has increased, often in the form of conflict against other armed groups, though also in areas without active fighting. The increase in al-Shabaab activity has reportedly seen an increase in violence against civilians and in civilian casualties.'[66]

2.4.31 According to the September 2014 report of the Secretary-General on Somalia 'Violence and conflict continue to take a heavy toll on civilians, mainly in southern and central Somalia. In May and June [2014], some 1,200 weapon-related injuries were treated in eight hospitals in Mogadishu, Kismaayo, Mudug and Baidoa, with more than 100 deaths reported'.[67] UNOCHA reports that between January and October 2014 'more than 5,000 weapon-related injuries have been treated in nine hospitals in Mogadishu, Kismayo, Doolow, Mudug, and Baidoa. In October [2014], 619 weapon-related injuries were reported at the facilities; a 13 per cent increase compared to the previous month. Following a number of incidences of explosions reported in Mogadishu, there was a 23 per cent increase in civilian injuries. In total, more than 500 casualties were reported in Mogadishu and treated at the four major WHO supported hospitals during October.'[68]

2.4.32 The October 2014 Report of the Monitoring Group on Somalia and Eritrea notes that 'There is no comprehensive civilian casualty tracking or recording system in place in Somalia. In an analysis prepared for the Monitoring Group, the Armed Conflict Location and Event Data Project found that, while the level of violence against civilians had remained "relatively stable" between June 2013 and June 2014, the overall intensity (the number of reported fatalities associated with each incident) had increased. Between January and June 2014, for example, 3,341 weapons related injuries were treated at eight hospitals in Mogadishu, Kismayo, Baidoa and Mudug'.[69]

2.4.33 Other sources of regular statistics include:

- UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) which can be accessed at:

  http://www.unocha.org/somalia/reports-media/ocha-reports

[65] Armed Conflict Location and Event Data Project (ACLED), Codebook 3, Released in 2014, p17 http://www.acleddata.com/research-and-publications/country-reports/

[66] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]

[67] UN Security Council, Report of the Secretary-General on Somalia, 25 September 2014, S/2014/595, Para 66 available at: http://www.refworld.org/docid/543662844.html [Accessed 1 December 2014]

[68] UNOCHA, Humanitarian Bulletin Somalia October 2014, 24 November 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Humanitarian%20Bulletin%20October%202014.pdf [Accessed 2 December 2014]

[69] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 109 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

- UN Security Council reports at:
  http://www.securitycouncilreport.org/un-documents/somalia/
- the International Committee of the Red Cross (ICRC) at:
  https://www.icrc.org/en

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2.5 Humanitarian situation

2.5.1. The Foreign and Commonwealth Office reported in June 2014 that "Food security continues to be a cause for concern. In early May [2014], 22 organisations working in Somalia, including Oxfam, Care, World Vision and Save the Children, released a crisis update warning that low levels of funding combined with late rains and limited access could foreshadow another severe food shortage in Somalia. According to the UN Office for Coordination of Humanitarian Affairs, 857,000 Somalis are suffering food shortages and malnutrition, with a further 2 million struggling to meet their own minimal food requirements." [70]

2.5.2. In his September 2014 report, the UN Secretary-General stated:

'Somalia is experiencing one of the most serious humanitarian crises in the world. About 3 million people are in need of humanitarian assistance, including an estimated 1.1 million people internally displaced by recurrent droughts, floods and conflict. Some 73,000 people have been displaced by insecurity since March, following the launch of the first joint army and AMISOM military operations against Al-Shabaab. Most have not yet returned to their place of origin.'

'After two years of incremental improvements, the food security situation in Somalia has, according to projections by the Food Security and Nutrition Analysis Unit — Somalia, seriously deteriorated. For the first time since the famine of 2011, the number of people who cannot meet their daily food needs over the coming six months has increased from 857,000 to 1.1 million. This is due to drought, continued conflict, the restricted flow of commercial goods in areas affected by military operations, increasing malnutrition and surging food prices. Drought conditions were present in southern, central and north-eastern Somalia from July, with overall rainfall recorded at less than half of normal levels during the main rainy season (from April to June[2014]).'

'Acute malnutrition levels have also increased, in particular in parts of the north-west, southern and central regions. There are more than 218,000 acutely malnourished children in Somalia, of whom 44,000 are severely malnourished and at risk of death. Overall, 3 in 4 acutely malnourished children are found in southern and central Somalia, many living in areas in which road access is blocked by armed groups. The most alarming malnutrition rates have been observed among displaced communities, with global acute malnutrition rates up to 18.9 per cent (the emergency threshold is 15 per cent) in seven urban displacement settlements: Dhobley, Doolow, Dhuusamarreeb, Garoowe, Gaalkacyo, Kismaayo and Mogadishu.' 'Humanitarian access remains difficult, given that high levels of insecurity prevail in most districts of southern and central Somalia. Access to the newly recovered towns has relied heavily on air services,

[70] FCO. Somalia - Country of Concern: latest updates, 30 June 2014 https://www.gov.uk/government/publications/somalia-country-of-concern/somalia-country-of-concern-latest-update-30-june-2014 [Accessed 21 November 2014]

which renders humanitarian action expensive, unreliable and unsustainable.'[71]

2.5.3. The October 2014 Report of the Monitoring Group on Somalia and Eritrea notes that since the end of 2013 'the joint army and AMISOM offensive against Al-Shabaab, coupled with new cycles of clan, resource and political conflicts, has caused significant additional displacement. […] Populations have been variously forcibly confined, forced to flee and subject to siege as a tactic of war. The displacement of the civilian population has itself been an objective of armed attacks in some cases. Forced evictions in Mogadishu have exacerbated the protection and humanitarian situation of tens of thousands of Somalis, many already internally displaced. Natural disasters such as flooding and cyclones have added to the suffering of vulnerable communities and caused mixed movements of population. […] Victims of forced displacement and confinement were more likely to be exposed to various other violations of international law, including attacks on civilians, sexual and gender-based violence, forced recruitment and denial of access to humanitarian aid'.[72] UNHCR reported in September 2014 that 'forced evictions, drought, conflict and lack of livelihoods have forced over 130,000 people from their homes since the start of the year.'[73]

2.5.4. The September 2014 report of the Independent Expert on the situation of human rights in Somalia notes that 'Continued reports of IDPs facing generalized insecurity, lack of access to humanitarian assistance and human rights abuses, including evictions from settlements, rape and sexual violence, remain a concern. The Independent Expert was informed that the Somali National Police Force was unable to provide protection in IDP camps, hence the phenomenon of "gatekeepers" who are self-appointed camp guards from clans within the territory where an IDP camp or settlement is situated.'[74]

2.5.5. UNOCHA reports that 'Women and girls in Somalia continue to be at high risk of gender-based violence. In the first six months of 2014, over 1,000 cases were reported in Mogadishu alone according to the Somalia Gender-Based Violence Working Group. The actual number of violations is believed to be higher as most survivors do not report these crimes due to fear of social stigma and reprisals from perpetrators. Decades of conflict, erosion of social protection mechanisms, and food insecurity have increased the vulnerability and women and girls are exposed to rape, intimate partner violence, sexual abuse and exploitation particularly during conflict and displacement. At the same time, prevention programmes and medical, psychosocial and legal response services are limited and under resourced. About 22,000 survivors of violations have been provided with psychosocial support by aid workers in 2014. Across Somalia, the majority of cases of sexual violence reported have been rape followed by physical assault, and the majority of survivors have been females from displaced communities. Impunity is widespread. Traditional laws, often used instead of weak state judiciary, discriminate against women and girls, and for girls may often result in being married off to the perpetrator.'[75]

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[71] UN Security Council, Report of the Secretary-General on Somalia, 25 September 2014, S/2014/595, Para 62 – 64. Available at: http://www.refworld.org/docid/543662844.html [accessed 19 November 2014]

[72] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia, 13 October 2014 Para 128 and 130 http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 1 December 2014]

[73] UNHCR, Over 130,000 people displaced in Somalia so far this year as IDPs bear brunt of food insecurity crisis, 16 September 2014 http://reliefweb.int/report/somalia/over-130000-people-displaced-somalia-so-far-year-idps-bear-brunt-food-insecurity [accessed 2 December 2014]

[74] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, 4 September 2014 para 28 http://www.refworld.org/docid/5436a8b84.html [Accessed 2 December 2014]

[75] UNOCHA, Humanitarian Bulletin Somalia September 2014, 17 October 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Humanitarian%20Bulletin%20September%202014.pdf [Accessed 2 December 2014]

2.5.6. Amnesty International reports in October 2014 that 'For the first time since the end of the 2011 famine, the food security situation is rapidly deteriorating. On 21 July 2014, the SFG described the humanitarian situation in the country 'as a precursor to the situation in 2011 in its intensity.' Poor rains have contributed to this. However, as has been the case for many years, the ongoing humanitarian crisis is largely manmade. Over 116,000 people were displaced between January and mid-September 2014. Insecurity is reported to have caused over 60% of the displacement, with around 73,000 people fleeing their homes.'[76] UNHCR reports in June 2014 that 'The protracted nature of displacement in Mogadishu has resulted in further pressure on accommodation and services there, with living conditions for IDPs increasingly difficult. Furthermore, the security situation in the city has recently been reported to have deteriorated again and continues to give rise to serious concerns.'[77]

2.5.7. Amnesty International further reports that 'As a result of the military offensive beginning in March 2014, trade routes have been disrupted, while al-Shabaab continues to block supply routes into towns in south and central Somalia. Due to lack of safe and unimpeded access, humanitarian organisations are hindered in accessing towns affected by military operations. This has led to sharp increases in food prices – in some areas prices have quadrupled between January and August 2014. Internally displaced persons (IDPs) are bearing the brunt of the crisis, as they spend proportionately more – up to 75% - of their available income on food, compared to Somalis in rural and urban communities. With the combination of delayed rains, rising food prices and continued conflict, Somalia is at risk of sliding back into a nation-wide emergency. Meanwhile, malnutrition rates are alarming.'[78]

2.5.8. The October 2014 report of the UN Security Council's Monitoring Group on Somalia and Eritrea reported:

'At the beginning of 2013, it appeared that humanitarian access would increase in southern and central Somalia with the expanding authority of the Federal Government. By August 2014, physical access was possible across a larger territory, with the United Nations and non-governmental organizations establishing a presence in new locations. The quality and sustainability of that access had, however, degraded in many places. This was due to a combination of intensified conflict, increased displacement and deteriorating security, in particular exacerbated by the joint army and AMISOM offensive against Al-Shabaab. In urban centres recovered as a result of the offensive, government control continued to be limited to a confined area, with supply lines greatly vulnerable to attack. Access for both humanitarian and commercial actors was seriously compromised. The provision of assistance to rural areas remained particularly difficult.'

' Al-Shabaab was the entity that most consistently, and often violently, denied access to humanitarian assistance for people in areas under its control and where it could block the movement of people and goods into areas under government influence. The multiplication of State structures at the federal, regional and local levels, which accompanied the opening of new spaces for humanitarian operations, also created opportunities for more officials to seek to leverage resources to consolidate power. At

[76] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]
[77] UNHCR, UNHCR position on returns to South and Central Somalia, 17 June 2014 http://www.ecoi.net/file_upload/1930_1403598415_53a04d044.pdf [Accessed 2 December 2014]
[78] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]

the same time, the new structures also provided the humanitarian community with, at times, more predictable ways to negotiate those obstructions.'

' With new conflicts over resources and a scramble for power over weak State structures, humanitarian organizations often found it impossible to operate owing to growing insecurity, including as a result of the absence of clear authority over areas of operation. Providing critical humanitarian inputs with fluid shifts in territorial control required perpetual renegotiation. Against that complex backdrop, and coupled with intensified cycles of conflict, security measures that were intended to facilitate access sometimes served to obstruct it. In particular, the army and AMISOM offensive and Al-Shabaab's counter-attacks in March 2014 created displacement, disrupted planting and harvesting and choked supply lines. Combined with environmental factors, this led to the declaration of a food security alert in July 2014.'[79]

2.5.9. In a snapshot of the situation on 13 November 2014, the UN Office for the Coordination of Humanitarian Affairs summarised the current situation as follows:

'The people of Somalia are facing a deepening humanitarian crisis. Over 1 million Somalis are unable to meet their basic food requirements, an increase of 20 per cent since February this year [2014]. This is the first time the number of people in need of life-saving assistance has increased since the end of the devastating famine in 2011, an indication that the modest gains made in the last two years are being reversed. A further 2.1 million people are on the verge of slipping into acute food insecurity, bringing the number of people in need of humanitarian aid to 3.2 million.'

'The fragile humanitarian situation is aggravated by localized flooding, which has affected an estimated 50,000 people across six regions. Hiraan region is most severely affected by flooding.'

'Six districts in southern and central Somalia have been affected by drought. In Gedo, about 70 per cent of residents have been impacted. By scaling up the response in Gedo in October, humanitarian partners managed to reach over 150,000 people with emergency water trucking, 130,000 with cash for work activities and 70,000 people with food.'

'Road access is severely constrained in 28 of 42 districts in southern and central Somalia. It is critical that key supply routes are secured to enable commercial traffic and humanitarian access.'[80]

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2.6 Freedom of movement

2.6.1. The US State Department report covering events in 2013 noted that "..there were checkpoints operated by government forces, allied groups, armed militias, clan factions,

[79] UN Security Council, Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013): Somalia. 13 October 2014. Para 92 – 94. http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/S_2014_726.pdf [Accessed 20 November 2014]

[80] UN Office for the Coordination of Humanitarian Affairs Somalia: Humanitarian Snapshot (as of 13 November 2014) 13 Nov 2014 http://reliefweb.int/report/somalia/somalia-humanitarian-snapshot-13-november-2014 [Accessed 20 November 2014]

and al-Shabaab which inhibited movement and 'exposed citizens to looting, extortion, harassment, and violence.'[81]

2.6.2. 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.'[82]

2.6.3. 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. [83]

2.6.4. 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 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.'[84]

2.6.5. In January 2014, Dalsan Radio reported that demonstrations were held in Mogadishu against 'increased roadblocks by armed groups on the main corridor between Afgoye

[81] US Department of State, Country Report on Human Rights Practice 2013. Somalia. 27 February 2014, section 2d. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220158 [Accessed 19 November 2014]

[82] 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

[83] 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 [Accessed 21 November 2014]

[84] 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 [Accessed 21 November 2014]

and Mogadishu', where armed men loot buses.[85] Human Rights Watch reported in 2014 that '… civilians were killed and wounded by crossfire, including during infighting between government soldiers over control of roadblocks.'[86]

2.6.6. 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.[87] Amnesty International similarly highlighted the problem of these 'gatekeepers' and the control they exert over IDPs.[88]

2.6.7. 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.'[89]

2.6.8. 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

[85] Dalsan Radio, Somalia: Bus Drivers Demonstrate Against Illegal Roadblocks, 25 January 2014. http://allafrica.com/stories/201401270778.html [Accessed 21 November 2014]
[86] Human Rights Watch, World Report 2014: Somalia, Abuses in Government-Controlled Areas, 21 January 2014 http://www.hrw.org/world-report/2014/country-chapters/somalia [Accessed 21 November 2014]
[87] Internal Displacement Monitoring Centre (IDMC), Somalia: Solutions for IDPs revealed as key for future peace and stability in Somalia. 1 October 2013. National and international Responses. http://www.internal-displacement.org/sub-saharan-africa/somalia/2013/solutions-for-idps-revealed-as-key-for-future-peace-and-stability-in-somalia [Accessed 21 November 2014]
[88] Amnesty International, Somalia: No place for the displaced: Forcible eviction of displaced communities, 13 September 2013 http://www.refworld.org/docid/523801dd4.html [Accessed 21 November 2014]
[89] 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 [Accessed 21 November 2014]

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.

'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'.

'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 th 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.'[90]

2.6.9. UNOCHA reports in its October 2014 Bulletin that 'Displaced people fearing attacks or trying to return to newly recovered areas are also exposed to violence at unauthorized checkpoints along major access routes as well as auxiliary roads in rural areas. Curfews and military operations have continued to restrict the freedom of movement, especially in parts of southern and central Somalia.'[91]

2.6.10. Amnesty International reported in October 2014 that 'People on transport routes report being interrogated and treated with suspicion by al-Shabaab. Movements need to be justified, particularly if the movement is between al-Shabaab areas and areas controlled by the SFG and allied forces. An unknown person or a person looking slightly westernized may be at increased risk if al-Shabaab stops the vehicle.'[92]

2.6.11. UNOCHA reports in its September 2014 Bulletin that 'Road access is severely constrained in 28 districts in southern and central Somalia due to insecurity, fighting along major supply routes, road blockages and encirclement of newly recovered areas by non-state armed actors. Illegal checkpoints, banditry and demands for bribes are experienced even in areas where there has been no active conflict. In the first nine months of 2014, 2,200 conflict incidents with humanitarian implications were registered, of which 107 incidents were related to checkpoints'.[93] It continued to report that in

[90] UN High Commissioner for Refugees (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 and C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative. Available at: http://www.refworld.org/docid/52d7fc5f4.html [Accessed 21 November 2014]

[91] UNOCHA, Humanitarian Bulletin Somalia October 2014, 24 November 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Humanitarian%20Bulletin%20October%202014.pdf [Accessed 2 December 2014]

[92] Amnesty International, Forced returns to South and Central Somalia, including to Al-Shabaab areas: A blatant violation of international law http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf [accessed 2 December 2014]

[93] UNOCHA, Humanitarian Bulletin Somalia September 2014, 17 October 2014

October 2014 'Road movement in southern and central Somalia remained a challenge to local communities and humanitarian partners due to the hostilities along major access roads, ambushes and unauthorized checkpoints by multiple armed actors were major threats.'[94]

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Return of diaspora to Mogadishu

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

'… 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.'[95]

2.6.13. 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 boom, new international airline routes, rising trade out of the city's port, and renewed hope in a new, more promising era.' [96]

2.6.14. 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

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http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Humanitarian%20Bulletin%20September%202014.pdf [Accessed 2 December 2014]

[94] UNOCHA, Humanitarian Bulletin Somalia October 2014, 24 November 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Humanitarian%20Bulletin%20October%202014.pdf [Accessed 2 December 2014]

[95] UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari,16 August 2013, section B, paragraph 93. http://www.refworld.org/docid/522db1204.html [Accessed 21 November 2014]

[96] IRIN news, Mapping Mogadishu's revival, 25 November 2013, http://www.irinnews.org/report/99197/mapping-mogadishu-s-businesses-to-aid-tax-collection [Accessed 21 November 2014]

which some persons are being forced to move to overcrowded IDP camps because they cannot afford the new prices quoted by landlords.'[97]

2.6.15. UNHCR reports in June 2014 that 'Since December 2013, over 34,000 Somalis have been deported from different countries to Somalia, often in the context of efforts to address irregular migration and security concerns.'[98]

2.6.16. According to reporting by Sabahi 'Al-Shabaab commander Ali Mohamed Hussein, known as Ali Jesto, made the announcement December 29th, saying the returnees "will be killed and fought against in the same manner" that al-Shabaab fights against the Somali government. "They are working for the infidels, and since they are working for the infidels, they are the same as the infidels they are working for as far as we are concerned," he said'.[99] Agence France-Presse reported in November 2014 that 'Al-Qaeda-affiliated Shebab rebels have been blamed for a string of killings targeting politicians, returning diaspora and anyone linked to foreign companies or internationally-backed government'.[100] It specifically reported on the deadly shooting of a US-Somali engineer 'who had come back to his birth nation to help rebuild the war-torn country' and who was shot dead in Mogadishu.[101]

2.6.17. Amnesty International reported in October 2014 that: 'On 5 November 2013, a Somali failed asylum-seeker named Ahmed Said, 26, was forcibly returned to Mogadishu after spending over twenty years outside of the country. Three days later he was wounded with numerous others in a suicide attack which killed at least six people.'[102] Human Rights Watch, reporting on the same incident, stated 'People like Said 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'.[103]

2.6.18. The Danish Norwegian fact finding mission to Nairobi and Mogadishu of November 2013 reported with regards to the situation of the diaspora in Mogadishu and more generally:

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[97] UN High Commissioner for Refugees (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, Available at: http://www.refworld.org/docid/52d7fc5f4.html [accessed 21 November 2014],

[98] UNHCR, UNHCR position on returns to South and Central Somalia, 17 June 2014 http://www.ecoi.net/file_upload/1930_1403598415_53a04d044.pdf [Accessed 2 December 2014]

[99] Sabahi, Somalis from diaspora denounce al-Shabaab threats, 9 January 2014, http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/01/09/feature-01, Date accessed: 3 December 2014

[100] Agence France-Presse, One killed in Somalia bombing: police, 27 November 2014, http://reliefweb.int/report/somalia/one-killed-somalia-bombing-police, Date accessed: 3 December 2014

[101] Agence France-Presse, One killed in Somalia bombing: police, 27 November 2014, http://reliefweb.int/report/somalia/one-killed-somalia-bombing-police, Date accessed: 3 December 2014

[102] Amnesty International, Forced returns to south and central Somalia, including to Al-Shabaab areas: A blatant violation of international law, 23 October 2014, Dutch returns policy, http://www.amnesty.org/en/library/asset/AFR52/005/2014/en/dabb38b2-34b0-4fe1-bb9c-612c8a872dbc/afr520052014en.pdf, Date accessed: 3 December 2014

[103] Human Rights Watch, Dispatches: Deported to Danger in Somalia, 19 November 2013, http://www.hrw.org/news/2013/11/19/dispatches-deported-danger-somalia, Date accessed: 3 December 2014

'The Diaspora researcher in Mogadishu explained that she did not understand how and why locals could detect that she was Diaspora, exemplifying that she covered up and went to the Bakara-market with a few friends. However, even then a few people spoke to her in English. The researcher explained that most women would go out together with one or more friends to be safe when moving around. […]According to UNDSS Diaspora Somalis returning home can be exposed and targeted depending on what they do or who they associate with.' [104]

2.6.19. With regards to other difficulties people upon return would face the report noted:

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 […]

'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 […]

'IOM stated that it currently has a policy of no returns to Somalia, and the reasons include the lack of ability to monitor and ensure the protection of the returnees, and the absorption capacity of the local economy. Other reasons include:

- Security and stability
- Access to areas of return for post-assistance monitoring
- Access to livelihood and basic services at destination
- The ability of returnees to register and engage in political and social life
- The ability of returnees to access legal advice
- A formal agreement between sending and receiving government.[105]

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[104] LANDINFO and Danish Immigration Service, Update on security and protection issues in Mogadishu and South-Central Somalia, Including information on the judiciary, issuance of documents, money transfers, marriage procedures and medical treatment, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 1 to 15 November 2013, March 2014, 1.4 Situation for Diaspora people in Mogadishu and 1.9 Targeted attacks, http://landinfo.no/asset/2837/1/2837_1.pdf, Date accessed: 3 December 2014

[105] LANDINFO and Danish Immigration Service, Update on security and protection issues in Mogadishu and South-Central Somalia, Including information on the judiciary, issuance of documents, money transfers, marriage procedures and medical treatment, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 1 to 15 November 2013, March 2014, 2.2 Needs in order to settle or reestablish in Mogadishu and 2.4 Return to S/C Somalia, http://landinfo.no/asset/2837/1/2837_1.pdf, Date accessed: 3 December 2014

Annex A: Maps and current resources

The following sources contain current and regularly updated maps and resources on the conflict and humanitarian situation:

- UN Security Council's regular reports which report on developments in Somalia including maps and other information regarding territorial control within Somalia and can be accessed at:

  http://www.securitycouncilreport.org/un-documents/somalia/

- The African Union Mission in Somalia (AMISOM) also provides regular updates on the situation on the ground including maps showing territorial control. Their website can be accessed at:

  http://amisom-au.org/

- UN Office for the Coordination of Humanitarian Affairs (OCHA),s Reliefweb, Somalia country page contains regularly updated maps and resources on the humanitarian and security situation in Syria and can be accessed at:

  http://reliefweb.int/country/som

For relevant background country of information about south and central Somalia see:

- EASO Country of Origin Information report. South and Central Somalia Country overview[106], August 2014 at http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf

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[106] European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report. South and Central Somalia Country overview, August 2014, ISBN 978-92-9243-262-1. http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf [Accessed 3 December 2014]

Annex B: Caselaw

MOJ & Ors (Return to Mogadishu) (Rev 1) (CG) [2014] UKUT 442 (IAC) (3 October 2014)

COUNTRY GUIDANCE

(i) The country guidance issues addressed in this determination are not identical to those engaged with by the Tribunal in AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 445 (IAC). Therefore, where country guidance has been given by the Tribunal in AMM in respect of issues not addressed in this determination then the guidance provided by AMM shall continue to have effect.

(ii) Generally, a person who is "an ordinary civilian" (i.e. not associated with the security forces; any aspect of government or official administration or any NGO or international organisation) on returning to Mogadishu after a period of absence will face no real risk of persecution or risk of harm such as to require protection under Article 3 of the ECHR or Article 15(c) of the Qualification Directive. In particular, he will not be at real risk simply on account of having lived in a European location for a period of time of being viewed with suspicion either by the authorities as a possible supporter of Al Shabaab or by Al Shabaab as an apostate or someone whose Islamic integrity has been compromised by living in a Western country.

(iii) There has been durable change in the sense that the Al Shabaab withdrawal from Mogadishu is complete and there is no real prospect of a re-established presence within the city. That was not the case at the time of the country guidance given by the Tribunal in AMM.

(iv) The level of civilian casualties, excluding non-military casualties that clearly fall within Al Shabaab target groups such as politicians, police officers, government officials and those associated with NGOs and international organisations, cannot be precisely established by the statistical evidence which is incomplete and unreliable. However, it is established by the evidence considered as a whole that there has been a reduction in the level of civilian casualties since 2011, largely due to the cessation of confrontational warfare within the city and Al Shabaab's resort to asymmetrical warfare on carefully selected targets. The present level of casualties does not amount to a sufficient risk to ordinary civilians such as to represent an Article 15(c) risk.

(v) It is open to an ordinary citizen of Mogadishu to reduce further still his personal exposure to the risk of "collateral damage" in being caught up in an Al Shabaab attack that was not targeted at him by avoiding areas and establishments that are clearly identifiable as likely Al Shabaab targets, and it is not unreasonable for him to do so.

(vi) There is no real risk of forced recruitment to Al Shabaab for civilian citizens of Mogadishu, including for recent returnees from the West.

(vii) A person returning to Mogadishu after a period of absence will look to his nuclear family, if he has one living in the city, for assistance in re-establishing himself and securing a livelihood. Although a returnee may also seek assistance from his clan members who are not close relatives, such help is only likely to be forthcoming for majority clan members, as minority clans may have little to offer.

(viii) The significance of clan membership in Mogadishu has changed. Clans now provide, potentially, social support mechanisms and assist with access to livelihoods, performing less of a protection function than previously. There are no clan militias in Mogadishu, no clan violence, and no clan based discriminatory treatment, even for minority clan members.

(ix) If it is accepted that a person facing a return to Mogadishu after a period of absence has no nuclear family or close relatives in the city to assist him in re-establishing himself on return, there will need to be a careful assessment of all of the circumstances. These considerations will include, but are not limited to:

- circumstances in Mogadishu before departure;
- length of absence from Mogadishu;
- family or clan associations to call upon in Mogadishu;
- access to financial resources;
- prospects of securing a livelihood, whether that be employment or self employment;
- availability of remittances from abroad;
- means of support during the time spent in the United Kingdom;
- why his ability to fund the journey to the West no longer enables an appellant to secure financial support on return.

(x) Put another way, it will be for the person facing return to explain why he would not be able to access the economic opportunities that have been produced by the economic boom, especially as there is evidence to the effect that returnees are taking jobs at the expense of those who have never been away.

(xi) It will, therefore, only be those with no clan or family support who will not be in receipt of remittances from abroad and who have no real prospect of securing access to a livelihood on return who will face the prospect of living in circumstances falling below that which is acceptable in humanitarian protection terms.

(xii) The evidence indicates clearly that it is not simply those who originate from Mogadishu that may now generally return to live in the city without being subjected to an Article 15(c) risk or facing a real risk of destitution. On the other hand, relocation in Mogadishu for a person of a minority clan with no former links to the city, no access to funds and no other form of clan, family or social support is unlikely to be realistic as, in the absence of means to establish a home and some form of ongoing financial support there will be a real risk of having no alternative but to live in makeshift accommodation within an IDP camp where there is a real possibility of having to live in conditions that will fall below acceptable humanitarian standards.

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 that is likely to entail, 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[107].

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

[107] The UN famine declaration, which applied to only some parts of the country, was made in July 2011 and subsequently lifted from all areas in February 2012 (http://www.fao.org/news/story/en/item/122091/icode/).

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 K.A.B. v. Sweden - 886/11 - Chamber Judgment [2013] ECHR 814 (05 September 2013); AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 00445 (IAC);and MOJ & Ors (Return to Mogadishu) (Rev 1) (CG) [2014] UKUT 442 (IAC) (3 October 2014)

In summary the ECtHR concluded:

'293. 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).

'294. 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).

'295. 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).

' 296. 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).

Elgafaji v. Staatssecretaris van Justitie, C-465/07, European Union: European Court of Justice, 17 February 2009

The ECJ in this case found that "Article 15(c) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, in conjunction with Article 2(e) thereof must be interpreted as meaning that:

- the existence of serious and individual threat to the life or person of an applicant for subsidiary protection is not subject to the condition that that applicant adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances;
- the existence of such a threat can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place – assessed by the competent national authorities before which an application for subsidiary protection is made, or by the courts of a Member State to which a decision refusing such an application is referred – reaches such a high level that substantial grounds are shown for believing that a civilian returned to the relevant country or as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to that threat." (Paragraph 45)

QD (Iraq) v Secretary of State for the Home Department [2009] EWCA Civ620 (24 June 2009)

The Court of Appeal provided further domestic guidance on Elgafaji and the test that needs to be applied "Is there in a country or a material part of it such a high level of indiscriminate violence that substantial grounds exist for believing that an applicant, solely by being present there, faces a real risk which threatens his life or person?" (paragraph 40)

The Court of Appeal also clarified that the word "exceptional" is used by the ECJ to stress that not every armed conflict or violent situation will attract the protection of Article 15(c) (paragraph 25). The reference to 'threat' does not dilute the need for there to be a real risk (paragraph 29).

The phrase "situations of international or internal armed conflict" is broad enough to include any situation of indiscriminate violence which reaches the level described in Elgafaji (paragraph 35). There is no requirement that the armed conflict itself must be "exceptional" but there must be an intensity of indiscriminate violence sufficient to meet the test in Elgafaji (paragraph 36).

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Change Record

Version	Date	Change References
1.0	04/04/2014	First version of country information and guidance.
2.0	19/12/2014	Guidance updated to reflect MOJ and Others caselaw. COI sections updated to reflect latest available information.

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