



AMNESTY INTERNATIONAL BRIEFING

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Mogadishu cannot qualify as an Internal Flight Alternative

In May 2013, Denmark – along with other states – changed its policy towards returns to Somalia. Denmark no longer consider Mogadishu as having a situation of generalised violence that would put the lives of any Somalis at risk if returned there; an individual assessment determines the risk for any particular individual. However Denmark is now attempting to argue that Mogadishu can be used as an internal flight alternative; that is, that Somalis not from the city can be safely returned to Mogadishu.

Amnesty International recognises that there have been improvements in the security situation in Mogadishu over the last two years; however the organization believes that its analysis of the situation described in its May 2013 statement - **Returns to South and Central Somalia: A Violation of International Law, attached hereto**, is still valid. Amnesty International continues to oppose any attempts to forcibly return people to the Somali capital, Mogadishu and/or any other parts of south and central Somalia given the real risk of human rights violations and abuses due to limited government control, the significant continued presence of al-Shabab,¹ and the ongoing armed conflict.

People returning to Somalia are at risk of ending up living in IDP settlements where they are vulnerable to serious human rights and humanitarian abuses including physical and sexual violence, looting, diversion of aid as well as many abuses of socio-economic rights.

Security improvements in Mogadishu have been extremely limited in scope. The security situation is volatile with varying intensity between areas and times of day, and has deteriorated during the course of 2013. Amnesty International is extremely concerned that the attempts by the Danish authorities to return Somalis to Mogadishu as an internal flight alternative will put people's lives at real risk. The current advise of the United Nations High Commissioner for Refugees (UNHCR) regarding protection needs of asylum seekers from Somalia states that '*no internal flight (or relocation) alternative (IFA / IRA) is available inside southern and central Somalia.*'²This guidance is still valid and should be followed. Amnesty International considers it is neither appropriate nor reasonable to regard Mogadishu as an internal flight alternative, and concludes that arguing this case is both dangerous and irresponsible.

Situation of Generalised Violence

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

Al-Shabab continues to dictate the security context in Mogadishu. They retain influence over various actors and individuals, and despite losses suffered in late 2011 and early 2012, when

they were pushed out of key towns by AMISOM and Transitional Federal Government (TFG) forces, al-Shabab have managed to regain capacity and continue to carry out direct attacks on civilians and indiscriminate attacks using suicide bombs, improvised explosive devices (IED) and grenades in Mogadishu. Security gains made in the last years have been setback and have deteriorated throughout the year. May and June saw double the amount of hand grenade attacks as in January, and there were three times more bombings in June than in January affecting both civilians and military. Assassinations occur on a daily basis, the majority of which are against civilians.³ The situation is exacerbated by strong suspicions that the SNAF has been infiltrated by al-Shabab.

Since early 2013, al-Shabab's choice of both targets and strategy have evolved with a preference towards more complex attacks, while widening their targets to incorporate symbols of perceived normalcy and westernisation. On 7 September 2013, al-Shabab carried out a complex IED and suicide attack on a popular restaurant in Mogadishu killing at least 15 people and wounding over 20. This was the second attack on the same restaurant chain in one year. Hotels have also been targeted. On 19 July 2013, al-Shabab carried out an attack on the UN Common Compound, killing four national and international staff and at least six civilians. This was the first attack against the UN since a 2008 attack in Hargeisa, and has led to significant setbacks in the ability of UN personnel and staff of international organisations to operate within Mogadishu.

Al-Shabab have faced internal divisions and infighting since the beginning of the year, which has resulted in scores of deaths; a co-founder of the movement known as Ibrahim 'Al-Afghani' publicly criticising the leader of the movement, Moktar Ali Zubeyr (known as 'Godane') for his harsh and 'dictatorial' tendencies; and Godane retaliating by executing key leaders in the movement including 'Al-Afghani' and Omar Shafik Hammami (also known as Al-Amriki), and consolidating his power. Other al-Shabab leaders such as Hassan Dahir Aweys escaped, but Aweys was later arrested by government forces, and is now in custody in Mogadishu. Another dissenting leader, Mukhtar Robow (or 'Abu Mansur'), is in hiding and thought to be in the Bay or Bakool regions in Somalia.

The internal divisions and infighting have allowed Godane to neutralise his opponents and consolidate his power within al-Shabab. Godane was trained in Afghanistan and is known as a hardliner favouring spectacular al-Qaeda type attacks, of which we have seen more in Somalia throughout the year. The devastating attack in Nairobi on 21 September 2013, which lasted four days, killed over 60 people, a death toll that is likely to rise given that at the time of writing many people are unaccounted for, and injuring at least 175 more is an example of the kind of attacks Godane favours. It demonstrates the capability and intent of al-Shabab to continue to indiscriminately take the lives of civilians.

Numerous other complex attacks have taken place in 2013. On 14 April 2013, al-Shabab carried out two combined large scale attacks, against Benadir High Court in Mogadishu and against a convoy of a Turkish humanitarian organisation on the airport road. The suicide attack, live fire-fight and use of IEDs left over 30 people dead. Hand-grenade and other smaller scale IED attacks are a daily occurrence in Mogadishu. Targeted attacks against particular categories of civilians including journalists, businessmen and clan elders are commonplace.

On 14 August, the international medical humanitarian aid organisation, Medecins Sans Frontieres (MSF) announced its immediate withdrawal, including in Mogadishu due to attacks on its staff, and *'an environment in which armed groups and civilian leaders increasingly support, tolerate or condone the killing, assaulting and abducting of aid workers.'* This led MSF to assess that *'there is no other country in the world where security risks are so high.'*⁴ MSF had operated in Somalia for 22 years.

Access to alternative protection mechanisms

In the absence of reliable protection from SNAF, civilians in Mogadishu must avail themselves of alternative mechanisms to receive a minimum level of protection.

Clan structures in Somalia are both a cause of insecurity and a source of protection. Somalia has long been dominated by clan-politics, though the clan system broke down in Mogadishu while al-Shabab were in power. Following the withdrawal of al-Shabab from Mogadishu in August 2011, a power vacuum was left which the TFG did not fill. Instead clan-based politics re-emerged with powerful individuals and militias, often from dominant clans, filling the void. Clan rivalries are evident, and many militias who have now been integrated into the SNAF continue to owe their loyalty to their clan leaders and groups.

Clan identity is essential to access protection in Somalia. If clan protection is not available, civilians are more vulnerable to discrimination and/or targeted human rights abuses. Human Rights Watch documented human rights abuses against people internally displaced in Mogadishu which is directly linked with clan identity.⁵ Minority clans continue to be excluded from political participation, have limited access to justice, and are denied multiple other rights, such as the right to an adequate standard of living, freedom from hunger, right to an adequate standard of health and the right to an education. Though many in Somali society are unable to access these rights, minorities are disproportionately affected.

Family can be a source of protection, but their ability and will to protect individuals is dependent on their own connections, support networks and clan affiliations.

Amnesty International has heard that some people living in settlements for internally displaced persons (IDPs) make payments to 'gatekeepers': powerful individuals, often from dominant clans and in the role of camp managers, and often linked to district officials⁶ in exchange for protection. The displaced people are at the mercy of these gatekeepers and the protection they are willing to provide because the ongoing situation of lawlessness in Mogadishu leaves them with no other options to secure their safety.

Life and livelihood opportunities

Mogadishu's infrastructure remains largely destroyed. There is no universal access to potable water, no sewerage system, virtually no schools, and access to healthcare is extremely limited, provided by a few basic, overstretched facilities. The withdrawal of all sections of MSF from Somalia in August has further restricted the population's ability to access quality medical services, particularly as MSF ran the only paediatric hospital in Mogadishu. In August 2013 the World Health Organisation announced an 'explosive' polio outbreak in Mogadishu and Somalia while acknowledging their difficulties in containing the virus because of limited access to affected populations because of insecurity. Unemployment in Somalia is estimated at over 50%, while 67% of youth (14 – 29) are unemployed - one of the highest rates worldwide. This is all the more significant when over 70% of the population are under thirty.⁷ The high unemployment is not only a product of the decades of conflict that has ravaged the country, but also contributes to insecurity.

Those coming to Mogadishu who cannot access a system of protection from their clan or family risk ending up in one of the many sprawling settlements for displaced people. There are over 1 million internally displaced people (IDPs) in Somalia today, with an estimated 369,000 in Mogadishu.⁸ The situation in IDP settlements both within and outside Mogadishu is dire. IDPs remain extremely vulnerable to ill-treatment and suffer ongoing human rights abuses. Amnesty International recently returned from a visit to Mogadishu in August, where it documented many cases of sexual and other gender-based violence, a high proportion of which took place in IDP settlements, as well as numerous other human rights violations and abuses. The United Nations says that 800 cases of rape were reported in Mogadishu and surrounding areas between September and November 2012, since the new administration has been in place,⁹ with at least 70 per cent being carried out by armed men wearing government

uniforms.¹⁰ Most shelters that displaced people live in are made of cloth or plastic sheets held up by flimsy wooden poles. Amnesty International spoke to many displaced people who had been evicted from within the city by both private landlords and the government, often with the threat of, or actual use of force. Not only did this deprive thousands of people from homes and livelihoods, it also resulted in some deaths and injuries. Most of the displaced were moving outside of the city to the North-West in the direction of the Afgooye corridor, formerly thought to be the largest IDP settlement worldwide, where government control is weak and al-Shabab are known to be present.

It is not lack of family or clan protection that leads to displacement: hundreds of thousands of IDPs are with their families and reside in settlements with others from their clans. However as they are outside their area of origin, and/or because they are from minority or weaker clans, clan-based protection is not strong enough to protect them. Without clan and family protection, the risk of ending up in an IDP settlements and of suffering numerous human rights abuses and violations is much higher.

Humanitarian aid continues to be controlled and diverted by 'gatekeepers' who exploit the situation of IDPs for profit. It is widely acknowledged that some IDPs are prevented from leaving the settlements because 'gatekeepers' would lose the economic benefits they get from humanitarian assistance given due to the presence of IDPs.¹¹

Conclusion

The security situation in Mogadishu has deteriorated since early 2013. State and non-state actors including al-Shabab remain a source of fear, insecurity and ongoing human rights violations and abuses against civilians.

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

It is unlikely that those who return to Somalia will be able to establish an acceptable standard of living unless they have access to economic resources and powerful individuals or networks within the city. Without this, it is highly likely that any returnee would face extreme difficulty in accessing a job or be able to enjoy an adequate standard of living in a city whose infrastructure remains broken, in a country that has some of the lowest development and humanitarian indicators globally.¹²

It is possible that without specific protection, those returned may end up in settlements for the displaced where access to food, livelihoods and health is so limited that malnutrition levels remain close to emergency levels at 14.4%,¹³ access to humanitarian assistance continues to be limited partially through ongoing aid diversion, and human rights violations and abuses are a daily occurrence.

Based on the above, Amnesty International believes that it is neither appropriate nor reasonable to suggest that Mogadishu should be considered an internal flight alternative and urges States to follow current UNHCR guidelines. States should ensure that their assessments of the suitability of returning people to Mogadishu is based on accurate assessments of the security, economic and infrastructure situation in Somalia and the risks of human rights abuses for those returned. .

¹ Al-Shabab is an armed opposition group who are responsible for a wide range of human rights abuses. For more information please see Amnesty International, Somalia: Somalia's children under attack, July 2011 (Index: AFR 52/002/2011); Amnesty International, Somalia: In the line of fire: Somalia's

children under attack, July 2011 (Index: AFR 52/001/2011); Amnesty International, Somalia: Violations of human rights and international humanitarian law in Central and Southern Somalia: Amnesty International submission to the UN Universal Periodic Review, May 2011 (Index: AFR 52/014/2010).

2 UNHCR, UNHCR Eligibility Guidelines for assessing the international protection needs of asylum seekers from Somalia, 5 May 2010, HCR/EG/SOM/10/1, p 9

3 UNSC, Report of the Secretary General on Somalia, 3 September 2013, S/2013/521

4 Dr Unni Karunakara, Why MSF decided to leave Somalia, 20 August 2013, <http://www.msf.org/article/why-msf-decided-leave-somalia> (accessed 23 September 2013)

5 Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, p 29

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

7 UNDP, Somalia Human Development Report 2012 – Empowering Youth for Peace and Development, 28 September 2012

8 UNHCR, IDPs by Region, May 2013, can be accessed at <http://www.unhcr.org/519625ad9.html> [accessed 25.09.13]

9 UNSC, Report of the Secretary General on Somalia, 31 January 2013, s/2013/69, para. 42 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_69.pdf accessed 2 May 2013.

10 BBC interview with Special Rapporteur on Sexual Violence in Conflict, Zainab Hawa Bangura, 10 April 2013, <http://www.bbc.co.uk/news/world-africa-22100946> accessed 3 May 2013.

11 For more information see: UNSC, letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 13 July 2012, S/2012/544, p. 312, para. 13; and Human Rights Watch, Hostages of the Gatekeepers, March 2013, p. 27.

12 UNDP, Somalia Human Development Report 2012 – Empowering Youth for Peace and Development, 28 September 2012

13 This is the national average for malnutrition, though it has been found that malnutrition rates in IDP settlements are significantly worse than in other areas of the country. The emergency threshold for nutrition is 15%.

Joint FSNAU / FEWSNET assessment, Somalia Post-Gu 2013 Food Security and Nutrition Outlook, August – December 2013