

URGENT ACTION

FORCIBLE RETURN FROM UK TO SOMALIA DEFERRED

On 23 June, the UK authorities deferred their plans to forcibly return “Mr S”, a rejected Somali asylum-seeker to Mogadishu, the capital city of Somalia. He has been released from immigration detention. The UK authorities, however, maintain their policy that rejected asylum-seekers forcibly returned to southern and central Somalia are not at risk.

Mr S, a 50-year-old rejected Somali asylum-seeker, was due to be forcibly removed on 23 June from the UK to the Somali capital, Mogadishu, via Nairobi, Kenya. On 22 June, the European Court of Human Rights issued interim measures preventing his removal. Amnesty International has now been informed by the lawyer for Mr S that he was released from immigration detention on 23 June, and that he is now unlikely to face forced removal in the imminent future. The lawyer for Mr S thanked Amnesty International for working on his case.

However, the UK authorities continue to maintain in other cases that rejected asylum-seekers are not at risk if returned to southern and central Somalia, despite the guidelines of the UN refugee agency (UNHCR), updated on 5 May 2010, calling on all governments not to forcibly return anyone to southern and central Somalia. Consequently other Somali asylum-seekers may still face forcible return to Somalia by UK immigration authorities.

Amnesty International believes that it is not safe to return Somali nationals to southern and central Somalia, including Mogadishu. All Somalis are at risk of being injured or killed in the generalized violence and indiscriminate and disproportionate attacks, given the consistent failure of all parties to the ongoing conflict to respect international humanitarian law. Amnesty International is opposed to all forcible returns to southern and central Somalia at present, and believes that all Somalis from southern and central Somalia should be granted refugee status or another form of international protection.

Amnesty International understands that the UK authorities' policy on enforcing removals to Somalia may be subject to further litigation in UK courts in 2010. We encourage the activists in the UA network who are interested in this issue to visit Amnesty International UK's website for updates.

Amnesty International remains in contact with the lawyer for Mr S and will get back in touch with the UA network if he is at risk of forced removal in the future.

No further action is needed at the moment from the UA network. Many thanks to all who sent appeals.

This is the first update of UA 137/10 (EUR 45/009/2010). Further information: <http://www.amnesty.org/en/library/info/EUR45/009/2010/en>

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ADDITIONAL INFORMATION

In Somalia, civilians have been victim to indiscriminate and disproportionate attacks by all parties to the conflict, resulting in death and injury to thousands, and bringing the number of people internally displaced since 2007 to 1.55 million. In 2009 and 2010, the humanitarian crisis deepened, compounded by lawlessness, threats against aid agencies and a reduction of humanitarian access to civilians. Civilians living in areas controlled by armed opposition groups are also increasingly subject to abduction, torture and unlawful killings. Individuals have been stoned to death, publicly executed, had parts of their bodies amputated and been flogged on the orders of quasi-judicial bodies operated by local leaders linked to armed groups. Total impunity for those who violate international humanitarian law continues to prevail.

The Transitional Federal Government of Somalia (TFG) controls only part of Mogadishu. Armed groups control vast areas of southern and central Somalia where they are carrying out an increasing number of unlawful killings and torture, including stoning, amputations and floggings.

The UNHCR guidelines of 5 May 2010 say that "in light of the risks to safety and security, ongoing armed conflict and the shifting armed fronts and ongoing widespread human rights violations, it cannot be considered reasonable for any Somali, regardless of whether the individual originates from southern and central Somalia, Somaliland or Puntland, to relocate within or to southern and central Somalia." UNHCR has called on all governments to grant complementary or subsidiary protection to Somalis from southern and central Somalia seeking asylum and whose claims are considered as not meeting the refugee criteria.

The UK's obligations under domestic and international law, including the 1951 Refugee Convention, the Convention against Torture and the European Convention on Human Rights, prohibit it from returning anyone to a country where they would be at risk of torture or other serious human rights violations.

Further information on UA: 137/10 Index: EUR 45/010/2010 Issue Date: 30 June 2010

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