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Denmark: No forced returns to ‘volatile’ situation in Somalia

Forcibly returning people to a volatile security situation in Somalia would violate international law, Amnesty International said as Danish courts are due to consider returning five Somali citizens currently living in Denmark.

The Danish hearings on Thursday and Friday come after at least two other European states – Norway and the Netherlands – have already ended suspensions on forcibly returning people to the Somali capital Mogadishu.

The Dutch and Norwegian decisions – in December 2012 and February 2013, respectively – cited improved security in the capital as the reason for the change. But the European Court of Human Rights and Dutch courts have suspended the deportation of four Somali nationals from the Netherlands since then, while the security situation remains poor in Mogadishu, and extremely dire in other parts of Somalia.

“Though there have been improvements in the security situation in Mogadishu, it remains fragile and volatile,” said Sarah Jackson, Deputy Africa Programme Director at Amnesty International.

“Somali government control and influence remain weak, and outside the capital in large parts of central and southern Somalia, the armed group al-Shabab maintains de facto control amid what is still an extremely volatile security situation. This is simply not a safe or sustainable situation to forcibly return people to and doing so would violate international law.”

Ongoing violence

In August 2012, a new Somali administration was appointed, marking the end of an eight-year “transitional” period towards the end of two decades of conflict and state collapse after the Siad Barre regime fell in 1991. Since the new administration has been in place, there have been some improvements in security, but Amnesty International said these changes are not enough to be considered fundamental, durable or stable enough for foreign governments to consider returning Somali individuals.

Although the capital Mogadishu is largely under government control, an armed conflict still rages between the Somali National Armed Forces (SNAF) and the al-Shabab armed group. Civilians persistently face insecurity and risk falling victim to grave human rights abuses, including indiscriminate and targeted violence, rape, killings, as well as extortion.

It is widely believed that all parties to the conflict are responsible for such abuses.

Both indiscriminate and targeted attacks still take place in Mogadishu itself – including the use of suicide bombs, improvised explosive devices (IED) and grenade attacks.

As recently as 5 May, an IED attack killed at least eight civilians and wounded many others in the capital.

On 14 April, al-Shabab carried out two large-scale attacks in the city, killing at least 30 people. These were just the latest in a string of violent attacks in recent months.

Journalists, businessmen, clan elders and politicians are at special risk of targeted killings. Twenty-four journalists have been killed in Mogadishu since December 2011, including four so far this year. One of them was Mohamed Ibrahim Rageh, shot outside his home in the capital shortly after returning from exile in Uganda.

In southern and central areas of Somalia – where al-Shabab still exerts broad control – the security situation is extremely volatile, with the armed group and government forces vying for influence.

Government forces often lack the authority, discipline and control needed to protect civilians, and their reliance on Ethiopian and African Union forces mean that any security gains are extremely fragile.

In one recent example on 17 March 2013, Ethiopian troops aiding government forces withdrew from Xudur, the provincial capital of Badool, causing the SNAF to withdraw as well. Within hours of their departure, al-Shabab regained control of the town, prompting thousands of people to flee towards the border with Ethiopia. A surge of abuses followed, with reports that al-Shabab carried out a series of beheadings, including of children and an elderly religious leader.

Amnesty International said in March that the UN's partial lifting of a longstanding arms embargo on Somalia runs the risk of fuelling an escalation in violations of international humanitarian and human rights law as foreign arms may continue to flow to al-Shabab.

Poor humanitarian conditions

According to UN agencies, more than half of Somalis rely on aid for their survival, and a sixth of the population is still in crisis – the majority of whom live in camps for internally displaced persons.

A drought in 2011 contributed to this situation, but the ongoing humanitarian crisis is largely man-made. Of the 19,000 people recorded as newly displaced between 1 November 2012 and 1 February 2013, 89 per cent cited insecurity as one of the three key reasons for their displacement.

Those living in IDP camps are extremely vulnerable to violence and suffer ongoing human rights abuses. Gender-based violence against women and girls in particular is reported to be endemic, and is often seems to be carried out by the very people mandated with protecting the population: government forces.

“With the ongoing armed conflict and dire humanitarian situation contributing to serious human rights abuses in central and southern Somalia, foreign countries including Denmark should under no circumstances attempt to return individuals there,” said Jackson.