

URGENT ACTION

8,000 SOMALIS PUSHED OUT OF KENYA

Approximately 8,000 Somalis, who fled across the Kenyan border from the Somali town of Belet Hawo following intense fighting there, were ordered to return to Somalia by the Kenyan authorities between 1 and 2 November. On 4 November about 3,000 were forced further into Somalia by Kenya's Administrative Police, where they are at risk of serious human rights abuses.

Following violent clashes that began on 17 October in the Somali border town of Belet Hawo between the armed Islamist group al-Shabab and the pro-Somali government armed group Ahlu Sunna Wal Jamaa, a reported 60,000 people were forced to flee their homes. Some of those forced to flee stayed in Somalia, while others crossed the border into Kenya. Around 8,000 Somalis fled to a makeshift site known as Border Point 1 near the Kenyan border town of Mandera, in north-eastern Kenya, where they were registered by the UN Refugee Agency, UNHCR.

On 31 October, the District Commissioner (DC) in Mandera ordered the recently arrived Somalis who had found temporary refuge at Border Point 1, to leave the area by 2 November. Some 8,000 refugees left the site. As a result they no longer have access to humanitarian assistance. Though some reportedly remain with friends or family in Mandera town and others crossed into the Ethiopian town of Dolow, approximately 3,000 crossed about 1km into Somalia, where they are within range of Belet Hawo and therefore at risk of falling victims to any renewed fighting. Despite the fact that they said they did not feel safe to return to Somalia, on 4 November, Kenyan Administrative Police are reported to have moved them even further inside Somalia.

The majority of refugees within the group were women, children and the elderly, including vulnerable persons such as pregnant women and disabled people. Though the refugees had received some humanitarian assistance while they were staying in Border Point 1, the Kenyan authorities did not allow humanitarian assistance to reach them while they were camped just inside of the Somali border. Now that they have been pushed even farther inside Somalia, the risk of human rights abuses against them is even higher and they have no access to aid.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging the Kenyan authorities to comply with their non-refoulement obligations and immediately halt all forcible returns to Somalia, where there is a risk that returnees would face serious human rights abuses, including being killed or maimed in the fighting and of torture or other ill-treatment.
- Ensure that all Somalis fleeing the conflict in Somalia are able to access refuge and protection in Kenya, and allow those recently forcibly returned to re-enter Kenya again and reach safety in an area sufficiently far from the clashes and where they can receive humanitarian assistance.
- Call on the Kenyan authorities to instruct all security forces, border officials and provincial officials that forcible returns to Somalia contravenes Kenyan and international law and train security forces to respect the principle of non-refoulement.

PLEASE SEND APPEALS BEFORE 17 DECEMBER 2010 TO:

Minister of State for Provincial
Administration and Internal Security

Hon. Prof. George Saitoti
Office of the President
Harambee House, Harambee Avenue
PO Box 30510, Nairobi, Kenya
Email: ps.pais@kenya.go.ke
Fax: +254 (0) 20 313 600

Salutation: Dear Minister

Minister of State for Immigration and
Registration of Persons

Hon. Gerald Otieno Kajwang
Ministry of Immigration and
Registration of Persons
Nyayo House, Off Kenyatta Avenue
PO Box 30191
NairobiFax No. +254 2 220731
Email: dis@immigration.go.ke

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Somalis refugees in Kenya are usually recognized as prima facie or de facto refugees.

All Somalis are at risk of being injured or killed in the generalized violence and indiscriminate and disproportionate attacks that occur in southern and central Somalia, given the consistent failure of all parties to the ongoing conflict to respect international humanitarian law. No individual should be forcibly returned to southern and central Somalia.

UNHCR opposes all forced returns of Somali nationals to southern and central Somalia.

In the context of the internal armed conflict between the Transitional Federal Government (TFG) of Somalia and armed groups opposed to it, civilians have been victim to indiscriminate and disproportionate attacks by all parties to the conflict, resulting in death and injury to thousands. The fighting has provoked massive displacement and disruption of access to humanitarian aid. Civilians living in areas controlled by armed opposition groups are also increasingly subjected 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.

In January 2007, the Kenyan authorities closed the country's 682 km border with Somalia, and the main transit centre in Liboi operated by UNHCR for those crossing the border, following the resurgence of armed conflict in Somalia between the Transitional Federal Government of Somalia (TFG), supported by Ethiopian troops, and the Islamic Courts Union (ICU) in December 2006. The Kenyan government said that ICU fighters, whom it suspected of links with al-Qa'ida, might enter Kenya and endanger national security.

Following the border closure, reports of Kenyan security forces extorting bribes from Somali asylum-seekers or forcibly returning them to Somalia have increased. At the same time, the Kenyan authorities have turned a blind eye to the flow of Somali asylum-seekers who continue to cross the border despite its official closure, failing to respond to their protection needs. Amnesty International has long called on the Kenyan government to ensure that Somalis fleeing armed conflict and human rights abuses in Somalia are able to cross the border and seek refuge and protection on Kenyan soil.

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