

URGENT ACTION

STOP FORCIBLE RETURNS TO MOGADISHU, SOMALIA

The UK authorities are preparing to forcibly return a rejected asylum-seeker, referred to as "Mr S" to protect his anonymity, to Mogadishu, the capital city of Somalia on 23 June. They may be intending to return other Somali nationals on that date.

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. No individual should be forcibly returned to Somalia.

Mr S, a 50-year-old Somali national, is due to be forcibly removed on 23 June from the UK to the Somali capital, Mogadishu, via Nairobi, Kenya. Mr S arrived in the UK in August 2003 and applied for asylum. The UK authorities rejected his application and his appeal was dismissed in February 2004. Subsequent legal appeals and applications have been rejected. The UK authorities have maintained that Mr S is not at risk if returned to southern and central Somalia, despite the guidelines of the UN refugee agency (UNHCR), updated on 5 May 2010, which call on all governments not to forcibly return anyone to southern and central Somalia.

In line with UNHCR's position, 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.

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.

PLEASE WRITE IMMEDIATELY in English or your own language:

- √ Urging the immigration minister not to proceed with the forcible removal to Mogadishu of Mr S, or any other Somali national, due to the widespread and serious human rights abuses being committed, and the situation of generalized violence in the city and the rest of southern and central Somalia;
- √ Reminding the minister that the UK is obliged, under the 1951 Refugee Convention, the European Convention on Human Rights and the Convention against Torture (CAT), not to return anyone to countries where they would be in danger of torture or other serious human rights violations; and
- √ Calling on the minister to follow the UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, issued on 5 May 2010, and not to return any rejected asylum-seekers to southern and central Somalia.

PLEASE SEND APPEALS BEFORE 2 AUGUST 2010 TO:

Damian Green MP
Minister of State (Borders and
Immigration)
Home Office, 2 Marsham Street
London SW1P 4DF
United Kingdom
Fax: +44 870 336 9034
Email: privateoffice.external@homeoffice.gsi.gov.uk

Salutation: Dear Minister

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

**AMNESTY
INTERNATIONAL**



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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.

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