Country Condition Report on Somalia by Laura Hebert
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INTRODUCTION

The following report on Somalia has been conducted in affiliation with the University of Denver's (DU) Institute of International Human Rights and Catholic Charities, as part of the Institute's piloting of an interdisciplinary 'asylum project' intended to convert human rights issues into immediate litigable cases. The project brings together Graduate School of International Studies (GSIS) and College of Law students at the University of Denver, the Institute's Human Rights Advocacy Center, and community lawyers who specialize in immigration law. The participation of GSIS students is intended to facilitate the compilation and analysis of in-depth country condition information relevant to specific asylum cases.

This report has been adapted to meet the specific circumstances of a Somalian asylum applicant, as determined through personal documentation of the applicant's pre-flight and flight experiences. The paper is contextual in nature, with the objective of providing background understanding of issues relating to the Somalian social system, the conditions in Somalia that led to the flight of the applicant and his family, the conditions of refugee camps in Kenya where the applicant lived for seven and a half years, and the current conditions in Somalia which support his claim of future persecution. Due to the ongoing nature of the applicant's asylum petition, his identity and certain personal information have been omitted.

To provide a brief introduction, the applicant is a male in his 30s who is a native and citizen of Somalia. He is married and has three children, two of whom were born in refugee camps in Kenya. Due to the vulnerability of minority clans in Somalia as a result of civil war in his country, The applicant left Somalia with his family in December 1990 and lived in two United Nations High Commissioner for Refugees (UNHCR) camps in

Kenya until July 1998. With the financial support of a relative and the aid of a smuggler, The applicant left Kenya and arrived in the U.S. in October 1998. His family remains in Ifo, a refugee camp in Kenya.

II. PRE-FLIGHT COUNTRY CONDITIONS

The applicant was born in a small urban town in the southern region of Somalia. Like the majority of Somalians The applicant is a Sunni Muslim. He belongs to the Tumaal clan and the sub-clan 'reer Hassan cade.' The clan system is central to understanding social life in Somalia, the ultimate disintegration of the state into violence and chaos, as well as the applicant's fear of persecution on the basis of his minority-status clan affiliation. I therefore begin this section with a brief introduction to the role of clan membership in Somalia.

The Somalian Clan System

Genealogy is at the heart of the Somalian social system, with lineages and clan membership attracting significantly greater political and emotional allegiances than formalized systems of military and bureaucratic authority.[1] Simultaneously, however, the clan-based social structure has been characterized by intense competition and conflict between descent groups (Satk, "The Segmentary Social Order," 1998: 1-2). The civil war in Somalia that began in the 1980s, and the ultimate collapse of the Somalian state in the 1990s, is generally understood as resulting from features of the Somali lineage segmentation. "Somali clan organization is an unstable, fragile system, characterized at all levels by shifting allegiances. This segmentation goes down to the household level. . . . Power is exercised through temporary coalitions and ephemeral alliances between lineages. A given alliance fragments into competitive units as soon as the situation that necessitated it ceases to exist" ("Somalia: Lineage Segmentation and the Somali Civil War," 1993: 1).

The Somalian clan system is extremely hierarchical, and may be roughly differentiated among three tiers: the 'noble' clans, the 'ignoble' or Sab agriculturist clans, and the lower caste or 'untouchable' clans. Somalian society is politically and economically

[1] Somalian clans, clan-families, and lineages are traced through males from a common male ancestor (Satk, "The Segmentary Social Order": 2).

dominated by four major 'noble' clan families, including the Darod, Hawiye, Isaaq, and Dir. 'Noble' refers to the "widespread Somali belief that members of the major clans are descended from a common Somali ancestor and that the minority clans have a different - usually mixed-parentage, with some Asian, Oromo or Bantu ancestors" (Cassanelli, "Victims and Vulnerable Groups in Southern Somalia," 1995: 9-10). These 'noble' clans together comprise the Samaal clans and constitute approximately 75 percent of the population. The Digil and Rahanwayn, primarily agriculturalist clans, fall within the second tier of the Somali clan system and comprise approximately 20 percent of the population. As minorities these groups are considered to be 'ignoble' by the noble clans and are systematically discriminated against in educational, social, and economic opportunities. However, they encounter discrimination to a relatively lesser degree than smaller minority clans or castes. Specialized occupation groups and riverside and coastal people of non-Somali origin comprise the third tier, constituting approximately five percent of the population (Satk: 4-7).

As a traditional occupation group specializing in leather and metal work, The applicant's clan, the Tumaal, falls within this third tier. The Tumaal resemble Somalis, "but their ethnic origin is uncertain. Some authorities suggest - and group members believe - that they may be derived from the land's original population" (Satk: 7). The 1993 U.S. Department of State report on Somalia describes the Tumaal (together with the Mitgan) as a clan despised for their profession and "forbidden to marry or mix with other Somalis. Educated Somalis have refused to eat at the same table with members of these groups. In fact, Somalis will often hesitate to discuss the existence of these two groups" (U.S. Department of State, 1993: 16). The reluctance to acknowledge the existence of the Tumaal is reflected in the scant attention provided to the clan in anthropological literature and documentation pertaining to the civil war in Somalia. As noted by Catherine Besteman in *Unraveling Somalia*, the role of 'out-caste' groups identified by their ancestry and/or occupation in "Somali society, in the Somali state, and in the state's collapse is left unacknowledged in the focus on segmentary lineages, and yet these groups were some of the most victimized in the violence of disintegration" (1999: 21). The absence of documentation significantly complicates efforts to substantiate both the characteristics of the Tumaal as well as the nature of the discrimination and persecution experienced by the clan.

Following Somalian independence in 1960, the government stressed loyalty to the new nation rather than loyalty to clan and lineage. The segmentary system was viewed as "a divisive force, a source of nepotism and corruption" ("Somalia: Social Change," 1993: 2). Laws were changed to protect the right of Somali citizens to "live and farm where they choose, independent of hereditary affiliation" ("Somalia: Social Change": 1). With Siad Barre's rise to power in 1969, and the adoption of socialism, the government attempted to subvert the primacy of clan and lineage affiliations in social relations. "Under the new regime, clan and lineage affiliations were irrelevant to social relations, and the use of pejorative labels to describe specific groups thought inferior to

Somalis were forbidden" ("Somalia: Social Change": 3). The government, however, was never successful in entirely eliminating the significance of clan and lineages to Somalian social life, and discrimination against minority clans in social, political, and economic relations continued. With the decline of power of the Barre regime in the 1980s, the centrality of clan affiliation was strongly reasserted. With respect to minority groups, Cassanelli notes that prior to the civil war, minority clans seldom interacted and lacked a sense of political solidarity. Since the early 1990s, however, minority clans have "begun to perceive themselves as sharing 'second-class' status, and have begun to talk about themselves collectively as minorities who have been particularly victimized during the civil war" (10).

Life in The applicant's Home Town

The applicant's home town is a small urban town in the Middle Shebelle region of southern Somalia. The applicant notes that this town has many factories that make clothing, and is known for a river that passes through the town. The applicant notes that Mogadishu (the capital of Somalia) is the nearest large city, with Afgoi also relatively nearby. He describes his hometown as a town that has "never had peace," a situation that became even worse after 1988.

The applicant spoke extensively about the discrimination he faced on a daily basis as a Tumaal in The applicant's home town. The town has a small population of Tumaal, with the Darod and Hawiye clans comprising the majority of the population. As is the case throughout the country, the Tumaal are not part of mainstream society and live isolated from the community. The applicant mentioned that the population of the Tumaal in the southern part of Somalia is relatively larger than its population in the north, where the Tumaal are isolated to an even greater degree. When asked why the Tumaal are discriminated against the applicant said that historically, during the time of Salvation, a Tumaal man ate a dead cow that was on the side of a road, an act that was forbidden. As a consequence, all Tumaals have carried the burden of that Tumaal man's act down through history.

According to The applicant, the Tumaal have always been subjected to violence and prejudice by all the clans within their community. The applicant became quite emotional as he recalled walking down the street and having people throw rocks at him. The applicant said that the biggest problem was that the Tumaal were not able to defend themselves. If an individual tried to defend himself - even just with words - the entire family would be arrested for speaking out. The only choice was to walk away. During Barre's regime, it was illegal to kill the Tumaal. By 1988, however, with the decline of Barre's power, the Tumaal became the victims of arbitrary shootings and stabbings - particularly from the Hawiye clan.

When asked how the Tumaal can be distinguished by the other clans, The applicant noted that it is not because of language or physical characteristics. If you were to see an individual walking down the street, it would not be possible to distinguish what clan

s/he belongs to. However, The applicant explained that everyone in a given community knows the clan affiliation of everyone else. When in a strange city, people will automatically seek out members of the same clan. The applicant was asked why, given the prejudice and violence experienced by the Tumaal, he did not go to another city and lie about his clan membership in order to start a new life - particularly given the lack of physical or language characteristics that could give him away. The applicant said that when individuals meet each other for the first time they question each other extensively about their clan affiliation. Since each member naturally knows his own clan well, to try to lie about one's clan membership would be easily revealed and the person who had lied would encounter serious danger - especially those from the despised minority clans.

As I mentioned previously, the Tumaal have traditionally engaged in leather and metal work. They are known for making shoes from leather, and for melting down metal to make tools, pans, and other utensils. No one in the applicant's immediate family has ever engaged in such work. It is not unusual, however, for a Tumaal to have an occupation other than leather and metal work. As noted in "Somalia: Social Change," following Somalian independence and the subsequent relaxation of laws that traditionally discriminated against low-status groups, these groups often shifted into other occupations. For example, the report notes that many Tumaal blacksmiths became mechanics and settled in towns (1993: 1). The applicant's father traded livestock, working as a middleman between livestock owners and individuals who sold goods in the local market, both of whom were mostly from the Ogaadeen clan (the clan of Barre's mother and therefore an ally of the Darod). The livestock would be traded for such goods as sugar and flour. The applicant said that such a job was prized among the Tumaal, and was very difficult for his father to get. His father had to continuously bribe the Darod in order to be permitted to do his work.

The applicant never worked when he lived in Somalia because he said that "nobody had opportunity to work" due to the mounting problems in the country - such as the declining economy and drought. The applicant's older brother tried to find work in the town, but when he was unable to find a job he joined the military as a training officer in 1985 (an occupation which is unusual for a Tumaal). He was only able to get into the military because he had a wife and children to take care of. The applicant's brother was assigned to duty in an area close to his home town. Normally, the soldiers live together in a military camp. However, due to harassment from the other soldiers because he was a Tumaal, his brother chose to live at home with his family.

The applicant has been married since 1987. His wife is also Tumaal, but is from a different sub-clan (not specified).In Somalia, women t lower clan, The applicant's mother, wife, and sister-in-law did not work outside of the home. It was not due to the family's financial situation, however, but because of the difficulties of finding available work.

The Onset of War in Somalia

Understanding the origins, development, and consequences of the war in Somalia is highly complex. It is not possible in this brief report to provide a full delineation of the details relevant to understanding why the war occurred, who the major players were, what impact international intervention had on the country, and where the collapsed state of Somalia stands today. The following is therefore a sketch of the events most relevant to understanding the situation of the Ali family. Given that The applicant and his family fled to Kenya in the early stages of the conflict, the analysis concentrates on the period of time between 1988 and 1991. I return to an analysis of the current situation in Somalia at the conclusion of the report, in order to substantiate the continuing threat to The applicant's life and liberty if he were to be forcibly returned to Somalia.

The independent Somali Republic was formed from the British and Italian protectorates of Somaliland and Somalia in 1960. Due to clan-based distrust, however, the country did not achieve stable leadership until the accession to power of Mohamed Siad Barre in 1969 (Van Beurden, "Somalia - In a State of Permanent Conflict," 2000: 1). As described by Hampton in *Internally Displaced People: A Global Survey*, Barre's regime was highly centralized and authoritarian. During the Cold War Barre was able to manipulate the interests of the superpowers to receive tacit and material support for the regime (Hampton, 1998: 81). By the early 1980s, however, Barre's power began to wane and rebel movements challenging the regime began to emerge and form coalitions.

In the 1980s, the Somalian government was forced to deal with the effects of a military defeat in the Ogaden War with Ethiopia, shifting alliances with Cold War powers, famine brought on by drought, and an influx of refugees from Ethiopia (Cousin, " Somalia: The Fallen Country," 1998: 5). In a last ditch effort to maintain authority and direct attention away from the unpopularity of his regime, Barre incited clan sentiments in order to divide and weaken opposition (Satk: 2). In response to increasing government repression, civil war in Somalia began in 1988 as the Somali National Movement (SNM), an Isaaq, anti-Barre group, seized Burao and captured much of Hargeysa, in the northern region of Somalia. At about the same time, Maharani clans (from Barre's own Darod clan) organized an armed uprising against the Barre regime in southern Somalia. In June 1990, Hawiye members of the guerrilla wing of the United Somali Congress (USC) wrote a manifesto which advocated the resignation of Barre, the establishment of a transitional government, and the abolition of all security structures (Cousin: 6). Although Barre had successfully provoked animosities among the major clans, rebel groups formed a temporary alliance in 1990 and forced Barre and his troops out of Mogadishu in January 1991 (Hampton: 81).

Understanding the war in Somalia is greatly complicated by the large number of clan-based parties and factions that have proliferated in the country, particularly since the later 1980s. Two warring factions of the Hawiye-based USC have, in particular, played a dominant role in the conflict: The Somali Salvation Alliance (SSA), led by Ali Mahdi Mohamed, and the Somali National

Alliance (SNA), led by Hussein Mohamed Aideed (the son of Mohamed Farah Aideed, the infamous enemy of the U.S. during Operation Restore Hope, who died in 1996 as a result of war wounds). From the onset of the conflict to the present time, groups that formed to challenge the Barre regime have also been in violent conflict with one another, competing for hegemony over particular geographic regions. Fighting between the SSA and the SNA, however, has been particularly destructive in the southern region, as each possesses significant power and has claimed legitimacy over Somalian political, social, and economic authority (Prunier, "WRITENET Country Papers: Somalia," 1996: 2-3).

The implications of the war in Somalia has been well publicized and documented by government and human rights agencies. In *Protecting the Dispossessed*, Francis Deng refers to Somalia as "a humanitarian and human rights tragedy" (1993: 51). In 1992, Amnesty International condemned the blatant commission of human rights violations by the warring factions as a clear contravention of the Geneva Conventions to which Somalia acceded in 1962 (Amnesty International, 1992: 65). Tens of thousands of unarmed civilians - targeted specifically because of their clan membership - were killed, tortured, mutilated, and taken as hostages as the country broke down into anarchy, with clan-based militias violently competing for power and control over resources. By 1995, nearly 500,000 Somalian refugees were in Ethiopian and Kenyan camps, while more than 350,000 Somalians were internally displaced (UNHCR, 1995: 248; Hampton: 83).

The southern region of Somalia, which generally includes the area between Middle Shebelle and the Kenyan border, is the region of Somalia that "experienced the most sustained inter-clan fighting following the collapse of the Barre regime in early 1991, and it is the area where most of the 28,000 U.S. and UN peacekeepers were deployed in December 1992" (Cassanelli: 3). Most of the minority clans inhabit small communities in southern Somalia (Cassanelli: 10). As noted by Cassanelli, "there is little question that members of the major Somali clans have regarded the southern minorities with condescension and even disdain, and have felt it unnecessary to incorporate them in any but a token way into the major clan coalitions that have governed the country since 1960" (10). The marginalization of minority clans has had direct implications for their non-involvement as combatants in the clan militias and their subsequent persecution. The factional militias recruited their members from the major clans, while "most minorities had few weapons and no military traditions" (Cassanelli: 10).

The dozens of southern minorities were not perceived as a military threat by the Barre regime, and most did not take up arms against the regime. Ironically, this lack of involvement would later open these groups to charges from the victorious opposition militias that they had contributed nothing to the overthrow of the dictator, indeed that their apolitical and pacifist stance had helped sustain the Barre government in its later years (Cassanelli: 10).

In spite of the non-involvement of southern minority clans as militia members, they found themselves caught in the struggle between three heavily armed factional coalitions: The Hawiye militias of the USC, retreating government forces under the banner of the Somali National Front (SNF), and Ogaden-dominated militias that backed the Somali Patriotic Movement (SPM) (Cassanelli: 5). Furthermore, the vulnerability of unarmed minority clans in the southern region to exploitation and intimidation was exacerbated by the violent competition of successive militias over access and control of the resource-rich region.

The Turning Point for the Applicant's Family

As previously mentioned, The applicant's older brother joined the Somali military in 1985 and worked as a training officer. According to The applicant, his brother never participated in combat because there wasn't a war in southern Somalia until late 1990. Although everyone knew there was war in the northern region of Somalia, they had not expected that it would reach the south. In early December 1990, however, the Hawiye clan-based militia group, the USC, overtook the town. The applicant reports that his brother was aware of the USC advancing on their town but he didn't warn the family of potential problems because he thought that "everything was normal."

The applicant describes hundreds of Hawiye, most of whom were from The applicant's home town, as sealing off his neighborhood and searching for Darod (Barre's clan) and minority clans associated with Barre. The Tumaal, because they remained neutral in the fight against Barre, were considered to be associated with his regime. The applicant said the situation was chaotic, with men carrying rifles indiscriminately shooting at people on the street. About twenty men entered The applicant's home looking for his older brother. The USC shot and killed his brother, and shot and paralyzed his father. The applicant and his other brothers were beaten. The applicant describes the Hawiye as hitting him on his head with the butt of a rifle and cutting his right leg with a bayonet. Together with his brothers, the soldiers then made him lie on the floor, tied his legs and hands behind his back, and then beat him with their rifles and kicked him with their boots. As the men were being beaten and tortured, other soldiers raped the applicant's wife, his sister, and his sister-in-law. The applicant said that it was watching the women being beaten and violated that has caused the most horrific memories. The applicant's mother was not at home at the time of the attack. She had gone out that morning to buy food for the family. As she was returning home, she heard the gunfire and rushed in to see her family beaten and bloody.

Before leaving, the men looted valuables from the applicant's home and told the family to leave, threatening that the next time they would kill all of the family. Although the Barre regime had not directly persecuted the Tumaal up to that point, the applicant's family knew that the government didn't care about the killing, torture, and exploitation of the Tumaal. They understood that they would never receive the protection of the government. People from the major clans within the community warned them to leave the country or they would be killed. The night after the attack, The applicant and his family fled.

FLIGHT

December 1990 marks the beginning of a prolonged experience of 'flight' and daily instability for the applicant and his family. The night after the attack by the USC, The applicant and his family left for Afgoi. Due to the beating, The applicant was in terrible shape and does not remember any of the details of how they arrived in Afgoi. Based on a conversation that he later overheard, he believes that the journey took two days, with the family walking all day and night. At some point, The applicant was put on a donkey because he was unable to walk. Again, because of the trauma, The applicant doesn't remember what Afgoi was like or where they stayed. He vaguely remembers getting medical attention. While in Afgoi, the family heard that Kenya was the only safe place to go. The family stayed in Afgoi for twenty days before making the journey over the border.

Although the USC looted the family home, The applicant's mother had managed to hide some money, which enabled the family to make the three-day trip to the UNHCR refugee camp in Liboi, Kenya, by truck. The family reached Liboi in mid-January 1991 and lived in the Liboi camp until December of 1992. Liboi was established by the UNHCR as a transit camp, with the intention of moving refugees to more permanent housing in camps such as Ifo (Schanche, 23 February 1992). When the family first arrived in Liboi they didn't have any belongings, such as blankets, pots and pans, or utensils. In many refugee camps, refugees are provided with basic necessities such as blankets, plastic sheeting, jerry cans, cooking pots, and utensils after they are registered by the operating agency (usually the UNHCR or Oxfam).[2] No such provisions were given to the incoming refugees in the Liboi camp, nor did any development projects occur within the camp during the time The applicant and his family lived there.

When the family first arrived, there were too many people for the UNHCR to organize a registration process. They received a card - one per family - for receiving food rations provided by the UN. They were not given any materials for building shelter. The family, like everyone else in the camp, had to scavenge for cans and wood in order to build a fire and cook their food. The applicant said that since the camp didn't give them anything they were forced to rely on the assistance of other refugees, even those of other clans. Having suffered so much and needing to rely on one another, the applicant said that clan membership was not important within the camp.

The applicant and his family made the decision to flee to Kenya to escape the intensifying chaos and violence that was overtaking southern Somalia. Instead of finding a safe haven in Kenyan refugee camps, however, Somalian refugees have encountered violence in the camps, harassment, food and water shortages, and a resentful government that has repeatedly threatened to forcibly repatriate the 'freeloading' refugees (Peterson, January 1993). The applicant describes the living and security conditions in Liboi as unstable. The camp was located nine miles from the border with Somalia and, on a regular basis, bandits from Somalia crossed over the border, harassing, attacking, and robbing the refugees. His description of the poor and insecure conditions of the Liboi camp is consistent with reports from Human Rights Watch and the media (including Wallace, September 1992; Schanche, February 1992). Human Rights Watch describes the refugee camps along the Kenya-Somali border as

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[2] The provision of such necessities to refugees is described by Lina Payne in *Rebuilding Refugee Communities in a Refugee Settlement* (1998).

targets of the often well-armed shiftas in search of money and food and - all too frequently

- sex. . . . The location of these camps . . . also exposed refugees to attacks from Somali fighters. Former Somali government soldiers or combatants with the warring factions routinely staged raids into North Eastern Kenya and then retreated over the border, eluding capture by Kenyan security forces . . . Gradually, the area turned into a virtual free-for-all zone because of the mounting insecurity and increasing number of weapons.

. . . The refugees were particularly vulnerable to abuses from all sides. They complained of looting, beatings and killings by shiftas and Kenyan police alike (October 1993: 1-2).

In December of 1992, The applicant and his family were moved to Ifo, where he remained until July 1998. The Liboi camp was eventually closed by the UNHCR and the Kenyan government a few months after the applicant's Ali family left. Although The applicant says that the Ifo camp was relatively safer than Liboi, living conditions continued to be harsh. As with the Liboi camp, the UNHCR did not provide refugees in Ifo with basic necessities, such as blankets and pots. In order to obtain necessities such as cups and pots, the refugees would 'sell' portions of their food rations to a little shop within the camp, which was owned by a local Kenyan.

The applicant and his family lived in tents, with 22 people per tent. Families were not provided with separate quarters, but were required to live in intimate proximity with complete strangers and people of different clans. Given the suffering experienced by all of the refugees, however, clan differences were again unimportant. The camp did not have running water, electricity, or even lanterns. There were no development or agricultural projects implemented within the camp during the time the applicant lived there. The refugees were therefore dependent on the UNHCR to bring in food from outside the camp. Medical attention, however, was available and free.

In "The Quest for a Theory of Refugee Aid and Development," Robert Gorman outlines a set of propositions "regarding the practical and proper application of refugee and development assistance." The operation of the refugee camps by the UNHCR in Kenya clearly contradict several of German's key assumptions, including (1) providing assistance to the host country and local populations will reduce the inevitable strains caused by hosting refugees, thereby lessening the threat against refugee asylum and protection; (2) including refugees and local populations as participants in the planning and implementation of development projects lead to more effective projects; and (3) integrating refugees into the economic life of the host country will contribute to refugee self-reliance and local development. In spite of the fact that the refugee camps in Kenya have been in operation since the early 1990s, compared to refugee camps elsewhere (such as in Uganda) little attention has been paid to the nexus between refugee aid and development. The lack of development initiatives within the camp, and the lack of employment opportunities in the local community,

forced refugees to remain dependent on the UNHCR for their most basic needs. As the applicant complained, such a dependence was humiliating. Furthermore, the lack of development initiatives aimed at the local communities exacerbated tensions between the government, local populations, and refugees - thereby threatening the safety of the refugees and the continued operation of the camps.

The applicant describes the camp as being surrounded by a barbed wire fence and patrolled 24-hours a day by armed Kenyan guards. Refugees were not officially permitted to leave the camp, and no process for regulating outside visits by refugees was in existence. In spite of the strict rules prohibiting outside visits, and the continuous threat of being arrested, the applicant traveled to Nairobi twice to try to find a job. He said it was degrading living in the camp and being forced to rely on the UNHCR for food, and so he wanted to get a job in order to provide for his family. The applicant said that the refugees would bribe the truck drivers who brought in food to the camps, hitch a ride, and then hop off in the nearest town. They would then often find another ride to Nairobi, were it was thought that they could find a job. The applicant, however, was never able to find employment.

During both of these trips to Nairobi, the applicant was arrested by the Kenyan police. On one occasion, his wife was also arrested. The applicant says that they were beaten by the police and forced to pay a bribe in order to get out of jail and avoid forcible return to Somalia. The frequent arrest of refugees outside of camps in Kenya is confirmed by the U.S. Department of St ate in their reports on Kenya's human rights practices from 1993 to 1999. The Department of State acknowledged police use of excessive force in rounding up aliens, with "unconfirmed reports that, in some instances, police raped female aliens" (1998). "In July the authorities began rounding up hundreds of refugees and other aliens in urban areas. During these roundups, police often detained any African foreign national they happened across regardless of whether the person had proper documentation or not. Entire families were picked up, treated roughly during arrest, and then kept in detention for days or sometimes weeks under harsh conditions" (1997). "In August the police raided Somali communities in an effort to ferret out 'illegal aliens.' There were credible reports that Somali refugees, as well as ethnically Somali Kenyans, were targets for extortion" (1995).

As in the Liboi camp, violence in the Dadaab camps (including Ifo) is rampant. The vulnerability of refugees in Kenyan camps has been well documented by a number of journalists who have visited the camps. Scott Peterson of *The Daily Telegraph* described Somali refugees as "living in fear as a wave of rapes, robberies, and murders sweep through the refugee camps. Though Kenyan security has been strengthened, the small units in each camp, usually only twenty policemen, are out-manned and out-gunned, resulting in a devastating tally of casualties

. . . Many of the bandits hide in the camps during the day and make raids at night, when beleaguered security forces will not venture out" ("Somali Refugees Face Rape and Death in Kenya 'Sanctuary,'" 1 October 1993). As described by Karl Vick of *The Gazette* (Montreal),

> Far from safe havens, the camps are so dangerous that aid workers venture into them only with armed escorts . . . The level of violence here [in Dadaab] is unheard of, according to numerous aid workers and agency officials. Kenyan police have nominal responsibility for camp security, but even with financial assistance from the UNHCR they make no pretense of pursuing more than their own survival in a barren region that has been insecure since before the country's independence ("Nowhere to Hide," 5 June 1999).

The pervasive violence in the Kenyan refugee camps is also noted by the U.S. Department of State in all of its reports on Kenya from 1993 to 1999.

In addition to vulnerability to violence and shortages of food and water within the camps, Somalian refugees continue to be vulnerable to government threats to forcibly repatriate refugees back to Somalia. In 1991, the Kenyan government suspended the process by which it ruled on applications for refugee status or asylum. "An official asylum or refugee application process ceased to exist" (U.S. Department of State, 1993-1999). Therefore, permanent resettlement in Kenya is not an option. In 1993, the Kenyan government demanded the immediate repatriation of nearly 500,000 refugees, mostly Somalis (Peterson, 23 January 1993). The Kenyan government has grown tired of hosting refugees. "It blames the refugees for the growing number of cross-border raids by bandits . . . and for placing an 'intolerable strain' on the Kenyan economy" (Peterson, 24 January 1993). In 1997, the U.S. Department of State reported that President Moi "criticized the refugees for abusing Kenya's hospitality and verbally ordered the UNHCR to remove all refugees from the country. A few days later, the government told UNHCR it had one month to remove all the refugees." Although the order was subsequently relaxed, the threat of forcible repatriation is always present. In contrast to U.S. perceptions, the refugee camps in Kenya do not provide safe or stable sanctuary from the violence in Somalia. Rampant violence, poor security mechanisms, inadequate facilities, on-going food and water shortages, government corruption and threats, and the lack of a process for asylum or refugee status and resettlement, clearly contradicts claims that Kenyan refugee camps offer a 'safe haven' for Somalian refugees.

According to the applicant, for most of the refugees in the Kenyan camp the only money they have is sent by Somalian relatives living outside of Somalia and Kenya. A relative of the applicant, who lives abroad, heard about the war in Somalia and made contact with a friend of his in Nairobi, Kenya. The relative had lost contact with the applicant's family and did not know where they

might be or if they were still alive. In the hope that they were in Kenya, the relative sent money to his friend in Nairobi and asked that he search out the applicant's mother. The friend miraculously made contact with the family in the Ifo camp. Although The applicant never made direct contact with his relative, it was through his financial assistance that the applicant was able to pay for a smuggler to help him get out of Kenya.

In July of 1998, The applicant left the Ifo camp for good, while his wife, children, and extended family stayed behind in Ifo. From July until October, The applicant lived in Nairobi with his relative's friend and waited to leave the country. The Kenyan friend found a smuggler, who made all the travel arrangements for his 'flight' to the U.S., including the passport and plane ticket. Although the applicant would have liked to have gone to the country where his relative was living, the only documents the smuggler had were to come to the United States. The smuggler traveled with The applicant all the way to Los Angeles. The smuggler acted as his translator, and kept hold of the documents at all time. As is the case with most African refugees who are smuggled into the country, the smuggler kept the documents, thereby leaving the applicant with no proof of when and how he entered the country.[3]

IV. CURRENT COUNTRY CONDITIONS IN SOMALIA

If The applicant's asylum claim is rejected, he will either be returned to the Kenyan camps or sent back to Somalia. As I described earlier, the Kenyan camps are far from 'safe havens.' Recent media and U.S. Department of State reports continue to note the prevalence of banditry, violence, and rape (Ngunjiri, 1 February 1999; Vick, 5 June 1999). In addition, the government of Kenya continues to deny Somalians refugee or asylum status, thereby inhibiting opportunities for permanent settlement (Amnesty International Report on Kenya, 1999; U.S. Department of State Kenya Country Report 1999). To be returned to a camp in Kenya would therefore prolong the applicant's experience of 'flight' indefinitely.

The alternative to granting the applicant asylum status in the U.S. or returning him to the Ifo refugee camp in Kenya is to (forcibly) return the applicant to Somalia. Given the protracted anarchy and violence in Somalia, the complete lack of a centralized administration capable of protecting its citizens, and the continued vulnerability of minority clans in the southern region of the country, returning to Somalia is not a viable option. As described by Mona Rishmawi, the Independent Expert of the UN Commission

[3] In addition, given the UNCHR policy in Liboi and Ifo of giving one food ration card per family following registration in the camp, when The applicant left the camp he was also forced to leave behind the only proof he had of his residence in Kenyan refugee camps from 1991-1998.

on Human Rights, “violations of human rights remain extremely serious . . . government authority is absent and a State administration non-existent, with adverse impact on the observance and protection of basic human rights and freedoms” (“Report on the Situation of Human Rights in Somalia,” 3 March 1997: 2). As Ms. Rishmawi notes, in the absence of a central government and judiciary system, “the clan elders and other community leaders continue to provide most of the day-to-day ‘governance.’ [However], it was largely the inter-clan conflict that led to the power struggle and civil war that engulfs Somalia today. In southern Somalia, clan militias and irregular armed forces remain a powerful force, often independent of clan elders and faction leaders” (3).

The applicant no longer has any friends or family in his home town and completely lacks a supportive system capable of protecting him from major-clan organized violence and exploitation. Prior to the war, Tumaals were subject to intimidation, abuse, and overt acts of violence. In the on-going atmosphere of chaos and lawlessness, minority clans, such as the Tumaal, are frequently the innocent victims of factional fighting, as well as direct attacks. In its 1999 report on Somalia, Amnesty International confirms that during the year "Human rights abuses by faction militias were committed with impunity. There were hundreds of killings of unarmed civilians . . . Members of vulnerable minority communities, such as Bantu agriculturalists and artisan 'castes', and of the wealthier Benadiri business community, continued to be at risk of arbitrary killing, looting and rape" (Amnesty International, 1999: 2). The Tumaal fall within the artisan caste groups to which the report refers. In its “1998 Human Rights Report on Somalia,” the U.S. Department of State acknowledges that "In most areas, members of groups other than the predominant clan are excluded from effective participation in governing institutions and are subject to discrimination in employment, judicial proceedings, and access to public services. Members of minority groups are subject to harassment, intimidation, and abuse by armed gunmen of all affiliations" (U.S. Department of State, 1998: 8).

In its January - December 2000 Consolidated Inter-Agency Appeal for Somalia, the United Nations has classified the central and southern regions of Somalia as ‘complex emergencies’ (UN, November 1999). A complex emergency is defined as a "situation in which the life or well being of the civilian population is threatened unless immediate and appropriate action is taken, and which demands an extraordinary response and exceptional measures that go beyond the mandate or capacity of any single agency" (UN: 11-12). Features of the current complex emergency in Somalia include: (1) thousands of persons are directly affected by inter-factional fighting resulting in deaths, injuries, looting, rape, and displacement; (2) chronic depletion of infrastructure; (3) approximately 1.2 million persons are at risk of food insecurity due to the combined effects of conflict, drought, and flooding; and (4) population displacement of about 300-350,000 persons, with about 40-50,000 Somalis being internally displaced in the last twelve months alone (UN: 11).

Under the U.S. Political Asylum Law of the Immigration and Nationality Act (INA), applicants for asylum must be able to substantiate that they are "unable or unwilling to avail himself or herself of the protection of that [home] country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" ("The Advocates Guide," 1998: 14-3). An applicant qualifies if they can meet the requirements of past persecution or a well-founded fear of persecution in the future. The "persecutor" may be the government or a non-government force. Punishment by a non-government force qualifies "so long as the government is unwilling or unable to protect the person against those forces" ("The Advocates Guide": 14-11). Given the lack of a centralized government in Somalia, there is no overarching authority capable of protecting vulnerable communities, notably ethnic minorities, from the intimidation, abuse, and violence of non-governmental forces.

The northern region of Somalia, notably Somaliland, has regained some semblance of administrative authority and stability. The southern region, however, continues to be marked by a "diffuse patchwork of local authorities and fragmented power" (UN: 2). In the absence of a centralized government, clan elders and factions have played an assertive role in controlling towns, cities, and regions - often through violence. In August of 1999, Amnesty International reports that the two main political factions that control Mogadishu (and much of southern Somalia), the USC/SSA led by Ali Mahdi and the USC/SNA led by Hussein Mohamed Aideed, "formed a joint committee for the surrounding Benadir region and established a locally funded police force" (Amnesty International, 1999: 1). The U.S. Department of State similarly refers to a SSA and SNA agreement to form a joint provincial administration (1998). The UN's "Report on the Situation of Human Rights in Somalia" describes the Aideed forces of the SNA as having formed an 'administration' in Mogadishu. For example, on 26 December 1996, "a WHO convoy was looted of cholera supplies near the Afgoye area. Following investigation, the Aideed Administration apprehended and executed the three men involved in the incident" (Rishmawi: 6). These developments point to the relative power of the SSA and the SNA in the southern region of Somalia.

In November and December 1997, the government of Egypt organized a conference in Cairo intended to find a peaceful resolution to the conflict in Somalia. The resulting Cairo Declaration called for the formation of a transitional government based on a system of federal governance. According to the Declaration, the President of Somalia is to be selected from the Hawiye clan, the Prime Minister from the Darod, and the President of Parliament from the Ranhanwein. The transitional government is to last 5 years, at which time national elections will be scheduled. The Cairo Declaration was signed by 28 representatives of the various factions and alliances, including Ali Mahdi and Mohamed Aideed. Critics of the Declaration complain that the declaration is unfairly

advantageous to the Hawiye (UNHCR, "Update to the Background Paper on Refugees and Asylum Seekers from Somalia," 1998: 2-3).

Given that the SSA and the SNA have often been in violent struggle with one another for legitimacy and control of the entire country, the agreement did not lead to a permanent settlement of the region's instability. However, the SSA and the SNA alternately control large areas of the southern region, and in the absence of a centralized government authority, may be identified as the controlling power. Both groups are based on the Hawiye ethnic group. It is the Hawiye clan that was responsible for the attack on the applicant's home town in 1990 - including the attack on the applicant's household, the killing of the applicant's brother, the shooting of his father, the beating and torture of the applicant and his brothers, and the rapes of the female members of the household. The applicant has explicitly stated that it is the Hawiye that he fears will kill him: "If I am returned to my home country, I know that I'll be killed by the Hawiye militia. The warlord and their militia don't want us to come back. And I do believe that until peace and a durable solution is found for the Somali crisis, as a minority there is only death waiting for me in my homeland." Given the violent attack by the Hawiye of the USC on the applicant's Ali family in December 1990 - an attack motivated by the family's Tumaal clan membership - the applicant has experienced past persecution on the basis of his membership in a particular social group. Furthermore, given the present lack of a central government or judicial system in Somalia capable of protecting The applicant from future Hawiye violence - and the clear presence and dominance of the Hawiye in the southern region of Somalia - The applicant has well-founded fear of future persecution.

V. CONCLUSION

In the course of documenting The applicant's experience of flight from Somalia, symptoms corresponding to Post-Traumatic Stress Disorder (PTSD) were detecting, including heightened emotions, depression, memory loss, and a pattern of sleep disorder. As described by Denver's Rocky Mountain Survivor's Center, torture (including the infliction or threat of infliction of bodily pain, rape, deprivation, psychological abuse, and being forced to witness acts of murder or abuse) leaves asylum seekers and refugees "mentally confused, physically unhealthy, and unable to present a coherent account of the oppression they have suffered" (Rocky Mountain Survivor's Center, *Torture*, 1998: 95). Given the nature of U.S. immigration policies, the inability to articulate one's experience of torture may negatively influence an individual's asylum claim. Moreover, the prolonged legal process itself may have a re-traumatizing effect (Birck, "Contents of Psychotherapy with Asylum Seeking Torture Victims," 1999: 117).

As the applicant's story demonstrates, by the time refugee or asylum seekers have reached the U.S., they have already encountered unimaginable difficulties, such as mental and physical torture, the death of family and friends, loss of home and possessions, the loss of a homeland, and the instability of life in refugee camps. The antagonistic asylum process only exacerbates the trauma these individuals have experienced, thereby prolonging possibilities for independence, emotional healing, a sense of physical security, stability, and adaptation to their new environment. At a minimum, the asylum application process must be made more sensitive to the traumas experienced by asylees, to enable these individuals to retain a sense of humanity and dignity.

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