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Article 15(c) QD: indiscriminate violence in situations of armed conflict

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

GUIDANCE NOTE
Last update: August 2023

The following is a summary of the relevant conclusions concerning the situation in Somalia.

Armed conflict

Several overlapping armed conflicts within the meaning of Article 15(c) QD take place in Somalia:

- **Al-Shabaab – anti Al-Shabaab armed conflict**
- **the inter and intra-clan rivalries**
- **anti-ISS armed conflict**
- **Puntland versus Somaliland**.

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Civilian

Article 15(c) QD applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants

who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD.

For example:

- **members of the FGS security forces, including the SNA, special forces, NISA and SPF**
- **members of the FMS armed forces**
- **members of the Somaliland armed forces**
- **Al-Shabaab members**
- **members of clan militias**
- **ISS members**.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that Article 15(c) QD would not be applicable to him or her.

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Indiscriminate violence

Indiscriminate violence takes place to a different degree in different parts of the territory of Somalia. The map below summarises and illustrates the assessment of indiscriminate violence per region in Somalia (Figure 1). This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period 1 July 2021 – 30 November 2022, exception made for some crucial developments that took place in December 2022. Some indicators are updated with information concerning the period 1 December 2022 – 14 April 2023 based on the EUAA COI Update 2023.

Up-to-date country of origin information should always inform the individual assessment.

Figure 1. Somalia - Assessment of the level of indiscriminate violence per region.

The regions of Somalia are categorised as follows:

GN_CGSOM_15C

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Serious and individual threat

In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation of the applicant
- family members or clan/support network
- etc.

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Threat to life or person

Some of the commonly reported types of harm to civilians’ life or person in Somalia include killing, injury, abduction, child recruitment, forced displacement, explosive remnants of war, etc. A real risk of such serious harm would qualify a threat to a (civilian’s) life or person in accordance with the provision of Article 15(c) QD.

Nexus

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.

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