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7.1. Exclusion based on the commission of international crimes

COMMON ANALYSIS
Last update: October 2025

The analysis below is based on the following EUAA COI reports: Security 2025, 1.2.2., 1.2.3., 1.3. ; Actors 2021, 2.4.6., 3.6., 4.5., 5.1., 6.3., 7.1.5., 7.2.5, 7.4.5., 7.5.5, 7.6.5, 7.7.5.; Country Guidance should not be referred to as a source of COI.

The ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Somalia.

Violations of international humanitarian law by different parties in the current and in past conflicts in Somalia could amount to war crimes, such as the deliberate and systematic attacks on schools and hospitals, the deliberate attacks on civilians, rape, forced and child marriage, child recruitment of children under 15 years old, attacks on humanitarian workers etc.

Relevant situations include the civil war (1988-1991) and the non-international armed conflict between the Somali government and Al-Shabaab. Furthermore, fighting between the ISS and Al-Shabaab amounts to a non-international armed conflict.

Reported crimes such as murder, torture and rape by the different actors could amount to crimes against humanity, when committed as part of a widespread and systematic attack against the civilian population.

Some acts in the current and past conflicts, such as extrajudicial killings, torture, forced disappearance, rape, could amount to both, war crimes and crimes against humanity.

Especially (former) members of the SNA, the SPF, the NISA, as well as FMS security forces and anti-government armed groups, in particular Al-Shabaab and ISS can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

Crimes committed in the context of clan militias clashes, in particular in the civil war in the past, could also give rise to considerations under Article 12(2)(a) and 17(1)(a) QD/QR.

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