



COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

13 NOVEMBER 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 5 October 2009. The 'Latest News' section contains further brief information on events and reports accessed from 6 October 2009. This report was published on 13 November 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

Country of Origin Information Service

UK Border Agency
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United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN SOMALIA FROM 6 OCTOBER TO 12 NOVEMBER 2009

- 10 November "Somali pirates have attacked an oil tanker some 1,000 nautical miles (1,850km) off the coast of Somalia." It is the furthest pirate attack to date from the Somali coast.
BBC News, Mid-ocean pirate attack on tanker, 10 November 2009
<http://news.bbc.co.uk/1/hi/world/africa/8350850.stm>
Date accessed 12 November 2009
- 6 November "Islamists in southern Somalia have stoned a man to death for adultery but spared his pregnant girlfriend until she gives birth. Abas Hussein Abdirahman, 33, was killed in front of a crowd of some 300 people in the port town of Merka."
BBC News, Somali adulterer stoned to death, 6 November 2009
<http://news.bbc.co.uk/1/hi/world/africa/8347216.stm>
Date accessed 11 November 2009
- 4 November Ifo camp in Dabaab in Kenya, housing around 300,000 Somali refugees, is reported to have been cut off by flooding. Outbreaks of dysentery have also been reported.
BBC News, Flooding deluges Somali refugees, 4 November 2009
<http://news.bbc.co.uk/1/hi/world/africa/8342662.stm>
Date accessed 11 November 2009
- 3 November A dispute between the Somali government and businesses has led to a halt in trade in the port of Mogadishu.
BBC News, Somali port shuts amid dispute, 3 November 2009
<http://news.bbc.co.uk/1/hi/world/africa/8340282.stm>
Date accessed 11 November 2009
- 3 November Al Shabaab are reported to have closed all women's organisations in Balad Hawo, near to the Kenyan border, stating that they are preventing women from doing their Islamic duty of looking after their children.
Garowe Online, Somalia: Al-Shabaab close women's organisations in Balad Hawo, 3 November 2009
http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Al-Shabaab_close_women_s_organisations_in_Balad_Hawo.shtml
Date accessed 11 November 2009
- 2 November Paul and Rachel Chandler, the British couple taken hostage by Somali pirates on 23 October are thought to have been taken to Baxdo, away from the Somali coast. The pirates have issued a ransom demand of US\$7m (£4.3m).
BBC News, Kidnapped pair are 'taken inland', 2 November 2009
<http://news.bbc.co.uk/1/hi/england/kent/8338809.stm>
Date accessed 12 November 2009
- 2 November More than 60 Somali lawmakers called on Somali parliament speaker Sheikh Adan Madobe to reopen parliament, which has been in recess for more than four months.
Garowe, Somali lawmakers call on speaker to reopen parliament, 2 November 2009
http://www.garoweonline.com/artman2/publish/Somalia_27/Somali_lawmakers_call_on_speaker_to_reopen_parliament.shtml
Date accessed 11 November 2009

- 1 November Reduced aid has led to deterioration in conditions for internally displaced persons (IDPs) in Mogadishu.
IRIN, SOMALIA: Life getting harder for Mogadishu displaced, 1 November 2009
<http://www.irinnews.org/Report.aspx?ReportId=86830>
Date accessed 11 November 2009
- 22 October “Heavy shelling in Mogadishu was reported to have killed at least 20 civilians and injured more than 50...” It is believed that mortars were fired at the airport as the President was due to fly to Uganda.
BBC News, Shelling ‘kills Somali civilians’, 22 October 2009
<http://news.bbc.co.uk/1/hi/world/africa/8319917.stm>
Date accessed 11 November 2009
- 19 October Flash floods washed away hundreds of IDP shelters in and around Mogadishu on 16 and 17 October.
IRIN, SOMALIA: Rains wash away IDP shelters in Mogadishu, 19 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86640>
Date accessed 11 November 2009
- 17 October The winners of a quiz organised by Al Shabaab have received weapons and office equipment “to stop young men from wasting their time and focus on defending their territory”.
BBC News: Guns given to Somali quiz winners, 17 October 2009
<http://news.bbc.co.uk/1/hi/world/africa/8312447.stm>
Date accessed 11 November 2009
- 16 October Two rival clans in Somaliland were feared to be rearming over a disputed farm in Gabiley region. The Reer Nour and the Reer Hared are feared to have amassed a large number of weapons and positioned near the land, which has been disputed since the 1950s.
IRIN, SOMALIA: Rival clans “re-arming” over Somaliland farm, 16 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86595>
Date accessed 11 November 2009
- 12 October Islamist rebels accused Kenya of recruiting ethnic Somalis living in Kenya to fight against them. Al Shabaab warned Kenya that it would defend its border against them
BBC News, Kenya warned over Somali ‘troops’ , 12 October 2009
<http://news.bbc.co.uk/1/hi/world/africa/8302176.stm>
Date accessed 11 November 2009
- 8 October Threats made against medical staff at Medina Hospital in Mogadishu have been condemned by doctors and civil society groups. The threats were made by an unknown group, warning staff not to treat people that the group described as ‘enemies’.
IRIN, SOMALIA: Mogadishu hospital threats condemned, 8 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86492>
Date accessed 11 November 2009
- 6 October “At least 5,000 conflict- and drought-displaced Somalis are facing an uncertain future in Bulo Hawo, a town controlled by Al-Shabab on the border with Kenya.” Around 5,400 people were stranded in the town, unable to cross the border into Kenya.
IRIN, SOMALIA: Thousands stranded near the Kenyan border, 6 October 2009
<http://www.irinnews.org/Report.aspx?ReportId=86456>
Date accessed 11 November 2009

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REPORTS ON SOMALIA PUBLISHED OR ACCESSED BETWEEN 6 OCTOBER AND 12 NOVEMBER 2009

US Department of State Bureau of Democracy, Human Rights and Labor

International Religious Freedom Report 2009: released 26 October 2009

<http://www.state.gov/g/drl/rls/irf/2009/127255.htm>

Date accessed 4 November 2009

US Department of State Bureau of Democracy, Human Rights and Labor

Background Note: Somalia: October 2009

<http://www.state.gov/r/pa/ei/bgn/2863.htm>

Date accessed 4 November 2009

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Background Information

1. GEOGRAPHY

- 1.01 Europa Regional Surveys of the World online version, accessed on 22 April 2009 recorded:

“The Somali Democratic Republic lies on the east coast of Africa, with Ethiopia to the north-west and Kenya to the west. There is a short frontier with Djibouti to the north-west ... The national language is Somali, but Arabic is also in official use. English and Italian are widely spoken. The state religion is Islam, and the majority of Somalis are Sunni Muslims ... Mogadishu is the capital.” [1a] (Location, Climate, Language, Religion, Flag, Capital)

- 1.02 The population of Somalia has been variously estimated: Europa World, accessed on 22 April 2009, gives a mid-2006 estimate of 8,445,397 people [1a] (Somalia front page); the US Department of State background note, dated August 2009, states: “Population (2006 est., no census exists): 8.8 million (of which an estimated 2 million in Somaliland).” [2d]; the US Department of State 2008 human rights report: Somalia, published on 25 February 2009, states: “Somalia has an estimated population of seven million.” [2a](Introduction); and the Foreign and Commonwealth country profile, last reviewed on 2 March 2007, accessed on 22 April 2009, gives a 2006 estimate of 8.86 million. [16a]

- 1.03 The main cities in south and central region of Somalia are the capital – Mogadishu; the ports of Kismaayo and of Merka, and Baidoa, Jowhar and Gaalkayo. In Puntland, the main city is Bossaso. In Somaliland, the main city is Hargeisa, and there is the port of Berbera. (US Department of State background note, dated August 2009). [2d]

- 1.04 Somali society is characterised by membership of clan-families, which are sub-divided into clans, and many sub-clans; in addition there are a number of minority groups, many of which are also divided into sub-groups. The clan structure comprises the four major ‘noble’ clan-families of Darod, Hawiye, Isaaq and Dir. ‘Noble’ in this sense refers to the widespread Somali belief that members of the major clans are descended from a common Somali ancestor. Two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn), take an intermediate position between the main Somali clans and the minority groups. Large numbers of ethnic Somalis also live in neighbouring Ethiopia, Kenya and Djibouti. (Joint British, Danish and Dutch Fact-Finding Mission report, December 2000) [7a] (p1-15)

See [Somali clans](#) and [Annex C: Somali clan structure](#)

- 1.05 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2008, dated 3 March 2008, recorded the following public holidays: “January 1st (New Year’s Day), Id al-Fitr, Id al-Adha, Ashura, May 1st (Labour Day), June 26th (Independence Day), July 1st (Foundation of the Republic).” [17d]

MAP

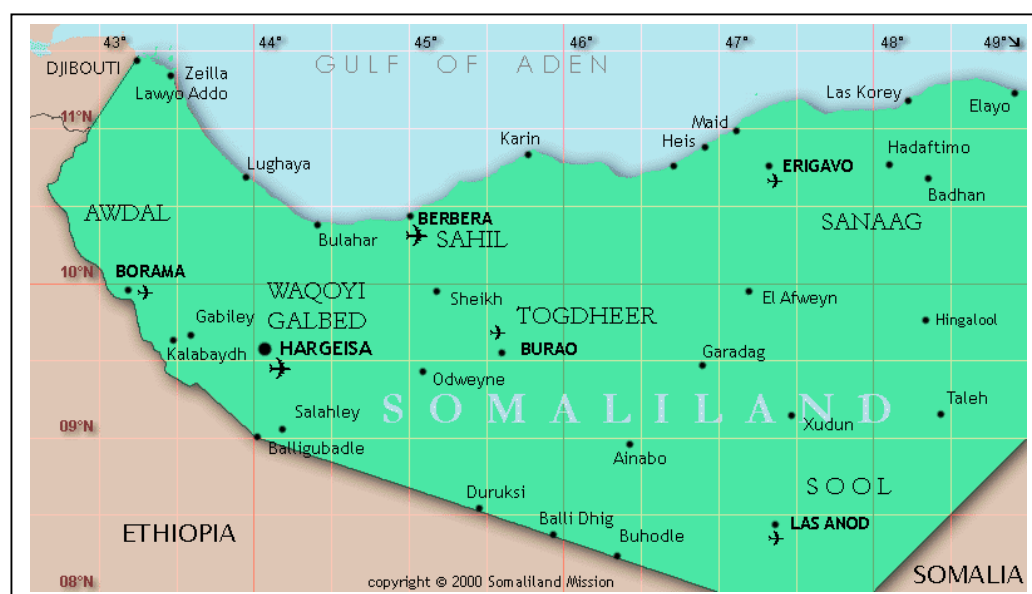
1.06 Map of Somalia, courtesy of the UN, June 2004.



Map of Puntland, courtesy of the Puntland Government, undated.



Map of Somaliland, courtesy of the Somaliland Government, undated.



1.07 Further maps of Somalia are available from the following websites:

United Nations Cartographic Section,

<http://www.un.org/Depts/Cartographic/english/htmain.htm>
Date accessed 5 June 2009

Reliefweb
<http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&cc=som>
Date accessed 5 June 2009

UN OCHA maps documenting flows of IDPS

Mogadishu Periphery – IDP settlements (25 August 2009) [47a]
<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1116154>
Date accessed 4 November 2009

Horn of Africa: Smuggling routes to Yemen (March 2008) [47b]
<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090134>
Date accessed 19 January 2009

Food aid distributions (September 2009) [47c]
<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1129731>
Date accessed 4 November 2009

Health interventions in south and central (February 2008) [47d]
<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1086915>
Date accessed 1 July 2008

See [Internally Displaced People \(IDPs\)](#) for latest population movements

Mogadishu

- 1.08 There is a large map of Mogadishu, highlighting landmarks, key features and IDP settlements, produced by the UNHCR, dated 18 December 2007, at:

http://www.depha.org/unhcr/Somalia/Maps/UrbanIDPs/SOM_Mog_POI_A1L_C_18Dec07.pdf
Date accessed 22 April 2009

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2. ECONOMY

- 2.01 The CIA World Factbook, updated on 9 April 2009, stated that despite the lack of effective national governance, Somalia has "... maintained a healthy informal economy, largely based on livestock, remittance/money transfer companies, and telecommunications. Agriculture is the most important sector, with livestock normally accounting for about 40% of GDP and about 65% of export earnings. Nomads and semi-pastoralists, who are dependent upon livestock for their livelihood, make up a large portion of the population." [39a]

See [Humanitarian issues](#)

- 2.02 The CIA World Factbook, updated on 9 April 2009, continued:

"Livestock, hides, fish, charcoal, and bananas are Somalia's principal exports, while sugar, sorghum, corn, qat, and machined goods are the principal imports. Somalia's small industrial sector, based on the processing of agricultural products, has largely been looted and sold as scrap metal. Somalia's service sector also has grown. Telecommunication firms provide wireless services in most major cities and offer the lowest international call rates on the continent. In the absence of a formal banking sector, money exchange services have sprouted throughout the country, handling between \$500 million and \$1 billion in remittances annually. Mogadishu's main market offers a variety of goods from food to the newest electronic gadgets." [39a]

- 2.03 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2008, dated 3 March 2008, reported:

"The economy has long been heavily dependent on livestock and agriculture. Stock rearing is practised throughout the country and accounted for about 40% of GDP [Gross Domestic Product] and 65% of export earnings in 2000, according to World Food Programme (WFP) estimates. Most of the farmland lies between the Jubba and Shabeelle rivers in the south of the country. The small manufacturing sector is based on the processing of agricultural products. In the south, the absence of a central government has meant that no economic data have been produced by national sources since 1990. In Somaliland, by contrast, the government collects tax and duties levied on trade." [17d] (p16)

- 2.04 The EIU in its 2008 profile dated 3 March 2008 added:

"There is little formal economic policy beyond the collection of duties and tax. In southern Somalia, taxes are often levied by local warlords or clan leaders and used to pay militiamen. Some factions in the south have made attempts to manage various cities, in some cases using collected funds to restore schools and hospitals. Elsewhere, collection of taxes and duties is more like extortion by armed groups in the areas that they control." [17d] (p16)

- 2.05 The EIU in its 2008 profile dated 3 March 2008 added:

"In Somaliland, duties levied at the port of Berbera generate an estimated 85% of government revenue, although these duties were depleted severely during the ban on livestock imports by Saudi Arabia and other Gulf states ...

Consequently, Somaliland's government revenue, which is mostly spent on the armed forces and civil service salaries, has been extremely modest in recent years. The US\$25m total for 2005 was an increase of 13% over the 2004 budget of US\$22m. In many areas, all over Somalia, duties on the import of a mild narcotic, khat, represent a significant source of income for those in power." [17d] (p16)

- 2.06 The *Humanitarian Exchange Magazine*, issue 42, published in March 2009, gives an approximation of average purchasing power in Somalia: "... in southern Somalia a daily wage bought only 4kg of cereal in June, compared to 7kg previously. As cereal prices began to decline between October and December 2008, the purchasing power of urban households began to improve, although it is still significantly lower than the post-war average (1991–2008)." [68a]

CURRENCY

- 2.07 The EIU in its 2008 profile dated 3 March 2008 added:

"In Somalia at least two forms of Somali shilling circulate. Hussein Mohamed Aideed's administration imported several million dollars' worth of new bank notes in 1997 and 1999. The Puntland administration imported new notes in 2000 and 2006, and several similar deliveries arrived in Mogadishu under the Transitional National Assembly (TNA) from 2000 to 2003. In Somaliland the Somaliland shilling became legal tender in February 1995. Money-changers operate legally and freely, even though multiple currencies continue to circulate." [17d] (p16)

- 2.08 The US State Department Background Note, updated in August 2009, stated:

"The absence of central government authority, as well as profiteering from counterfeiting, has rapidly debased Somalia's currency. By the spring of 2002, the Somali shilling had fallen to over 30,000 shillings to the U.S. dollar. The self-declared Republic of Somaliland issues its own currency, the Somaliland shilling, which is not accepted outside of the self-declared republic." [2d] (Economy)

- 2.09 The head of Somalia's Central Bank, Bashir Isse, announced in April 2008 that the transitional federal government is in the process of printing new Somali Shillings to replace the old Shilling. He indicated that the new shillings, in contrast to those that are currently in circulation, will be difficult to duplicate. Mr Isse added that the Somali government is not responsible for the hyperinflation that has affected Somalia's economy over recent months. (Garowe Online, 15 April 2008) [35e] On 3 May 2009, Garowe Online reported that the interim government agreed printing of new currency notes by the Sudanese government's mint, subject to the Somali Parliament's approval.
- 2.10 Protests were held in Mogadishu on 5 May 2008 against rising food prices and the business community's refusal to accept 1,000 note Somali Shillings. Garowe Online, 5 May 2008, notes: "At least four people were killed and five others wounded during the violent protests, which affected many neighborhoods in Mogadishu. Some of the dead were killed by police gunfire, witnesses reported." (Garowe Online, 5 May 2008) [35n]

TELECOMMUNICATIONS

2.11 The EIU, in its Somalia Country Profile for 2008 dated 3 March 2008, noted:

“Small private companies linked to overseas satellite operators provide telecommunications in major towns. Mogadishu is served by three companies set up in 2002 following the closure of the Al-Barakat phone company in November 2001. Its international lines, operated by the US company AT&T, were cut following allegations of association with terrorist networks. Local calls within Mogadishu are free, whereas local cellular calls cost US\$0.11 per minute, cheaper than in neighbouring Kenya. Four firms serve Hargeisa, all offering mobile phones and direct international calls at cheaper rates than in neighbouring Djibouti and Kenya. A new gateway system has been installed in Somaliland following a five-year agreement signed between the Ministry of Telecommunications in Hargeisa and a US-based company, Transcom Digital (TDI). Somalia's largest mobile-phone operator, Telsom Mobile, placed an order for products and services worth US\$1.4m with US-based AirNet Communications in July 2005 to upgrade its system within Somalia. The order brings the company's total investment in AirNet equipment and services to more than US\$10m since 2000. Two new television companies, Horn Afrique and Somali Television Network, were set up in 2000. Several ISPs [Internet Service Providers] have opened in recent years and are servicing areas of the country, as well as Somaliland. Strangely, Somalia enjoys better Internet connectivity than some other African countries, including Eritrea.” [17d] (p15)

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3. HISTORY

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR

- 3.01 Europa Online, accessed on 22 April 2009, gives a comprehensive account of the period between the implementing of a new Constitution in September 1979 and the fall of the Barre Government in 1991. In summary, it recounts how the new Constitution ushered in elections in December 1979, which Said Barre won, and who then assumed all political powers to the Presidency. Barre confirmed his hold on the presidency in 1987. In October 1981 the Democratic Front for the Salvation of Somalia (DFSS, later renamed the Somali Salvation Democratic Front – SSDF) was formed, and attempted a coup in 1982. Protests in Mogadishu in 1989 “were violently suppressed by the armed forces, resulting in the deaths of more than 400 demonstrators.” In 1989 the President’s clan power-base was reduced, at the point the armed opposition in southern Somalia gained support. Concessions towards democratising the political process in 1990 did not placate the opposition. (EuropaWorld) **[1a] (Recent History)** As the Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 2 March 2007 (accessed on 21 January 2009), stated: “Barre fled the country in January 1991 when another rebel group, the United Somali Congress (USC) gained control of Mogadishu. A full-blown civil war developed in the capital when the USC fragmented into rival, clan based factions. This contest remains unresolved and control of Mogadishu is divided among a variety of principally Hawiye warlords.” **[16a] (History)**
- 3.02 The FCO in its profile dated 2 March 2007 (accessed on 21 January 2009), continues:
- “In January 1992 the UN established a small Cease-fire Observer Force operation (UNOSOM I). It failed to make any impact and as civil war escalated a massive humanitarian crisis developed. In December 1992 a US-led task force (UNITAF) intervened to create a secure environment for relief operations. It succeeded in securing the main relief centres in the starvation area but did not attempt to disarm the Somali clan militias or the warlords. UNITAF handed over to UNOSOM II in May 1993. In response to militia attacks, the Security Council authorised UNOSOM to take all necessary measures against those responsible and to arrest General Aideed. In the confrontation that ensued, 18 US Rangers were killed, which prompted the departure of US troops in March 1994. The last UNOSOM troops withdrew in March 1995 after the loss of thousands of Somalis and 70 UN peacekeepers.” **[16a] (History)**
- 3.03 Clan elders and senior figures attempted to reconcile warring militias by setting up a transitional government in August 2000. However, by April 2001 Somali warlords, backed by Ethiopia, had announced their intention to form a national government within six months, in direct opposition to the country’s transitional administration. The 14th attempt to restore central government since 1991 was made in August 2004, when a new transitional parliament was inaugurated in Kenya. (BBC Timeline, 24 February 2009) **[8g]**
- 3.04 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on human rights and security in central and southern Somalia, published in August 2007, noted:

“The present Transitional Federal Government (TFG) in Somalia was formed in 2004, but internal and physical divisions within the TFG as well as insecurity in central and southern Somalia, and in Mogadishu particularly, hindered it from being a functioning, unified government. However, in early 2006 the TFG became physically unified for the first time in Baidoa. Insecurity in Mogadishu had forced the TFG to establish itself elsewhere in Somalia and for some time it was divided between Baidoa and Jowhar. This brief period of fragile optimism soon vanished as the Union of Islamic Courts (UIC) in Mogadishu suddenly took control of the capital. [The] UIC is a union of various Sharia courts, and the Hawiye clans in particular supported it. During the spring of 2006 the UIC fought against the warlords in central and southern Somalia and a number of former Mogadishu-based warlords founded a coalition that was named Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT). However, the UIC defeated ARPCT in May 2006 and from then on UIC gradually took control of most of central and southern Somalia, including Mogadishu. UIC never gained control of Baidoa, the seat of the TFG.” [7e] (p5)

- 3.05 The FCO profile, dated 2 March 2007 and accessed on 28 January 2009, added:

“In summer 2006 a coalition of warlords – claiming to be against extremism and terrorism – attacked the ICU. The latter’s successful counter-attack threatened the security of the TFG. Arab League sponsored talks in Khartoum, from June 2006 onwards, between representatives of the TFG and failed to stave off direct confrontation. In December 2006 Ethiopia, in response to a perceived threat to the TFG in Baidoa, launched an attack on the ICU. The latter retreated into the countryside, allowing the TFG to instal itself in Mogadishu in January 2007.” [16a] (Politics)

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Ethiopian forces’ occupation, February 2007 to January 2009

- 3.06 Summarising the BBC Somalia timeline’s account of events, updated on 24 February 2009, between the TFG/Ethiopian occupation of Mogadishu in January 2007 and the upsurge of violence in October/November 2007, the key developments were:

- the authorising and arrival of AMISOM in February 2007, the African Union peacekeeping mission (See [AMISOM](#));
- a period of intense fighting in Mogadishu in March and April 2007, with 320,000 IDPs fleeing Mogadishu since February 2007;
- the National reconciliation conference opening in Mogadishu in July 2007;
- opposition groups forming a new alliance, the Alliance for the Re-liberation of Somalia, in Asmara, Eritrea in September 2007; and
- in October 2007, Ethiopian forces firing on demonstrators in Mogadishu and an upsurge in violence beginning, with the Ethiopian forces bringing in reinforcements. [8g]

- 3.07 Despite efforts to broker a ceasefire after the main bombardments of March and April 2007, violence continued in Mogadishu during April 2007. There

were estimates that over 1,000 people were killed in clashes between Ethiopian forces, and Hawyie/Islamist militias. UNHCR is reported to have estimated that 124,000 persons left Mogadishu due to the violence. (BBC 10 April 2007) [8j] (p1-2) The BBC reported on 2 April 2007 that: "Many used a lull in the fighting to flee the city on Monday, after four days of Ethiopian troop attacks on Islamist insurgents and local militias ... Hospitals have reported scores of people killed, while residents have spoken of indiscriminate shelling." [8h] (p1)

- 3.08 The lull continued into June 2007. Thus, the UK Border and Immigration Agency's Fact-Finding Mission report on Somalia dated 20 July 2007 (UK FFM 20 July 2007) noted:

"A journalist from an international news agency stressed to the delegation that Mogadishu is in effect 'the centre of the [security] problem' as it is the city in which the majority of fighting had taken place and where the TFG continues to focus its efforts. He stressed that the current conflict (post the heavy fighting during March – April 2007) is the worst time that the country has faced for sixteen years. This is due to the sheer volume of hostility and mistrust among officials and civilians alike.

"Seven sources stressed the unpredictability and volatility of the security situation in Mogadishu. Three sources explained that the north of the city is more dangerous than other parts of Mogadishu. A relevant department of the UN stated that although the north of the city is more volatile and dangerous than the south, in both areas a degree of relative normality has returned, more so in the south, but even in the areas in the north which are most unstable." [7f] (p12)

- 3.09 UK FFM 20 July 2007 also noted that:

"Six sources agreed that most of the violence in Mogadishu has become more sophisticated and political in nature, precisely targeting TFG and Ethiopian forces, high profile political targets, law enforcement agencies, Ethiopian troops and occasionally at African Union forces ... However this contrasted with the information provided by one source who claimed that the TFG and Ethiopian troops were attacking anyone and any visible target that they perceive to be a threat to them. He told the delegation that 'anyone who is remotely perceived to be anti-TFG, and anyone who is perceived to be Arabic, anyone who is perceived to be a radical Islamist (to give just three examples), are targets.'" [7f] (p12)

- 3.10 In November 2007, there was an intensification in the conflict. The UN Office for Humanitarian Affairs (OCHA), in its monthly Humanitarian Analysis for November 2007 noted: "During the month of November [2007], security operations by Ethiopian/TFG forces intensified particularly in six districts within the city believed by the TFG to be harbouring anti-government elements. Fierce attacks ensued between the warring factions killing, wounding and terrifying civilians in indiscriminate shelling, roadside bombs and artillery attacks." [26i]

- 3.11 In the same report, OCHA noted that the violence in Mogadishu rose to such a level in November 2007 that it triggered the movement of more than 240,000 people out of the city. [26i] The report noted:

“Six of 17 districts in Mogadishu which have been the scene of almost daily confrontations between Ethiopian/Transitional Federal Government (TFG) forces and anti-government elements have been nearly deserted for most of the month due to insecurity and forced eviction. Communities who returned to areas where troops had temporarily withdrawn witnessed the almost complete destruction of homes and public infrastructure. Religious places were desecrated, as well as other public areas ... Ad hoc roadblocks that charge taxes ranging from US\$70 – US\$500 to move in and out of Mogadishu have caused huge hindrances to the humanitarian community in accessing vulnerable people. [26i]

See [Checkpoints](#)

- 3.12 The UN Security Council (UNSC) report, dated 14 March 2008, summarised analysis of the violence of 2007, stating:

“The Department of Safety and Security [UN DSS] has undertaken a trend analysis of the types of attacks against certain targets throughout Somalia, including Mogadishu, in 2007. The general security trend in Mogadishu appears proportional to the level of military effort undertaken by the coalition of Ethiopian armed forces and Transitional Federal Government troops to defeat the anti-Government elements or conduct forcible disarmament. From June to September 2007, there was a sharp increase in standoff attacks, improvised explosive device incidents, mine attacks and assassinations but a marked decrease in armed clashes. During this period, it was assessed that the more radical anti-Government elements were active, while the remainder were awaiting the outcome of the National Reconciliation Congress and the decision of the Transitional Federal Government to carry out the recommendations of the Congress. Since September, actions of the Ethiopian and Government forces have increased, with a concerted effort to eradicate the radical anti-Government elements within Mogadishu. Reported retaliatory fire by the Ethiopian armed forces, using field guns and heavy mortars against the anti-Government elements in heavily populated civilian areas, has caused significant loss of life and damage to civilian property. Moreover, it prompted the mass evacuation of civilians from Mogadishu in November, creating thousands of internally displaced persons. It is noteworthy that during the last quarter of 2007 attacks by the anti-Government elements have become more coordinated and have begun to be conducted during daylight hours.” [3d] (p32)

- 3.13 Despite the ongoing reconciliatory efforts, fighting between the Transitional Federal Government and the insurgency continued throughout January 2008. OCHA’s *Humanitarian Overview*, dated January 2008, noted:

“Fighting between the Transitional Federal Government/Ethiopian Forces and insurgents continues to gravely impact civilians. Reports indicate that fierce fighting in just one two-day period between 17-18 January [2008] in Mogadishu injured some 150 civilians and may have killed as many as 35 people. Violence and ‘security operations’ seem to be bleeding into areas previously considered safe or relatively safer – and consequently into which many IDPs have fled. For example, confrontation between TFG forces, backed up by Ethiopians, in Daynile on 8 January killed 12 and injured a further 30. Daynile is one of the sixteen districts in the Banadir region where thousands of IDP families have fled to from other areas of Mogadishu. An

estimated 36,000 people have been displaced from and within Mogadishu during the month [January 2008].” [26i]

- 3.14 OCHA, in its Monthly Cluster Report for March 2008 noted:

“Mogadishu continued to experience heavy fighting and attacks from the warring parties throughout the month of March [2008]. Sustained attacks on suspected TFG/Ethiopian bases, indiscriminate shelling and general lawlessness resulted in the death of many civilians and left many others with serious injuries. During the month of March [2008], 276 war-wounded were admitted to the two main hospitals in Mogadishu, Medina and Keynaney, bringing the total for the first quarter of the year to 848.” [26m]

- 3.15 The UN Security Council report of 14 March 2008 also recounted, bringing information into a then current (early 2008) focus:

“The fact-finding team spent three days and two nights in Mogadishu, meeting officials and travelling in United Nations civilian armoured vehicles to many districts to assess the security situation in the city. Hostilities seem to be generally confined to five districts, including Yaqshid, Wardhigley, Hawl-Wadag, Hodan and Bondhere. While a number of districts were deserted, as an estimated 60 per cent of the population has temporarily fled the city, several other districts that were assessed to be safe at the time of the visit were seen to be populated: stores were open, transport was moving and the port was active.

“The three days of relative calm experienced by the team belie the volatility of the security situation. Before the team arrived, there was serious fighting in Mogadishu that killed more than 30 people and wounded 60. In the days after the team departed, fighting once again broke out. Mortars were fired at the airport, where the African Union Mission in Somalia (AMISOM) is based, one mortar exploding close to the United Nations common compound. Those attacks coincided with the completion of the Burundian battalion’s deployment to AMISOM and illustrate how quickly the security situation can change.” [3d] (p29-30)

- 3.16 By 9 June 2008, the fighting as reported by IRIN was “mostly concentrated in the districts of Wardigley in the south, and Yaqshid in north Mogadishu, according to a local journalist. He said Bakara market, the country’s largest market, was hardest hit.” [10u] By August 2008, the UN OCHA July 2008 Humanitarian Overview report stated “the Insecurity in Mogadishu varies from district to district and in some cases is neighbourhood specific. For example, on 21 July, 184 people fled from Abdi Qassim neighbourhood in Hodan district, while on 22 July nearly 470 people fled to Garas-Baaley neighbourhood in the same district. Both movements were caused by fighting between TFG/Ethiopian troops and insurgents.” [26u]

- 3.17 IRIN reported on 29 September 2008 on the conflict in Mogadishu. The report quoted the acting chairman of Elman Human Rights Organisation, a Mogadishu-based NGO: “‘From 20 September [2008], our figures show that 18,500 people have fled their homes due to the fighting and shelling’.” [10ab] The report stated that the conflict was most intense in southern Mogadishu, with heavy fighting in the Hodan and Haal Waraag districts. [10ab]

- 3.18 Another upsurge in the conflict occurred in November 2008; OCHA reported in the November/December 2008 *Humanitarian Monthly Overview*:

“During the weekend of 22-23 November the city experienced some of its heaviest fighting in months in seven out of the 16 districts. The number of civilian deaths was estimated to be at least 55 and the number of wounded more than 80, according to hospital records. In Medina district alone, 24 people including six children were killed.” [26v]

- 3.19 The Human Rights Watch *World Report 2009*, covering events in 2008 and released on 15 January 2009, summarised the recent events in Somalia as:

“In 2008 violence escalated in scale and brutality while internationally supported peace talks struggled to get traction. Even traditional systems of clan protection have broken down in many areas. Key civil society activists whose talents are essential to hopes of rebuilding were killed or driven out of the country. The number of Somalis in need of humanitarian assistance surpassed 3 million, even as criminal violence, rampant piracy off the northern coasts, and targeted attacks on humanitarian workers impeded the flow of aid. Somalis attempting to flee this chaos faced brutal attacks by freelance militias along the roads.” [30b]

- 3.20 The security situation in south and central Somalia, as opposed to Mogadishu, changed as the insurgents began taking towns as territorial gains from March 2008. Kismaayo was taken by Islamist forces from clan-based militias on 22 August 2008 (See [Kismaayo](#)). (Garowe, 22 August 2008) [35p] Jowhar, taken in May 2008, was fought over by two rival Islamist groups in September 2008 (See [Jowhar](#)). (IRIN, 2 September 2008) [10aa] Beletweyne was taken on 22 July 2008 (See [Beletweyne](#)). (BBC, 22 July 2008) [8p], On 12 November 2008, the port of Merka, 40km south of Mogadishu, fell to Al Shabaab forces. (Garowe 12 November 2008) [35p] In January 2009, Baidoa was taken: Baidoa was reported to be calm after Al Shabaab took the town on 26 January 2009 and imposed Shari’a law. The local population are reported to be supportive of the new administration (See [Baidoa](#)). (BBC, 28 January 2009) [8i]

- 3.21 The security situation in Mogadishu was turbulent in 2008 until the Ethiopian forces’ withdrawal on 13 January 2009. (See Security, [Mogadishu](#)) The conflict was characterised by increasingly open battles in the residential areas of northern Mogadishu. Most incidents were between the insurgent groups and the combined TFG/Ethiopian forces. The African Union Mission to Somalia (AMISOM) was directly targeted in 2008 (see [AMISOM](#)). In September 2008, the airport was closed for a time, after being declared a target by Al Shabaab, the main insurgent group (see Freedom of movement, [airports](#)). (Garowe, 19 September 2008) [35y]

For information after the Ethiopian forces’ withdrawal in January 2009, see [Recent Developments](#)

PEACE INITIATIVES 2000–2007

- 3.22 The US State Department in its Background Note of August 2009 noted:

“In early 2002, Kenya organized a reconciliation effort under IGAD auspices known as the Somalia National Reconciliation Conference, which concluded

in October 2004. In August 2004, the Somali Transitional Federal Assembly (TFA) was established as part of the IGAD-led process. Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia on October 10, 2004 and Ali Mohamed Gedi was approved by the Transitional Federal Assembly as Prime Minister on December 24, 2004 as part of the continued formation of a Transitional Federal Government (TFG), the components of which are known as the Transitional Federal Institutions (TFIs).” [2d] (Political conditions)

- 3.23 On 20 February 2007 the UN Security Council authorised the African Union to establish a peace-keeping mission in Somalia for six months with the aim of supporting the planned National Reconciliation Conference. After opening on 15 July 2007 and then adjourning after insurgent mortar fire targeted its venue, the conference resumed on 19 July and conducted regular sessions into the second week of August. (BBC Timeline, updated 24 February 2009) [8g]

See [AMISOM](#)

- 3.24 The National Reconciliation Conference (NRC) ended on 30 August 2007 with mixed opinion on its success. Although organisers of the conference and the TFG praised the ‘historic’ results of the NRC, (Garowe Online, 17 September 2007) [35a], an article by IRIN dated 30 August 2007 noted that many analysts had expressed their doubts, with Timothy Othieno, Horn of Africa analyst at the Institute for Global Dialogue in Johannesburg describing the conference as “a total failure.” [10p] This was due to the selective nature of the way the participants were chosen and the arbitrary tactics of the TFG. “The TFG determined who was going to attend and who wasn’t. You cannot place conditions on participants if you are trying to reconcile a nation.” The Hawiye clan and the Union of Islamic Courts (UIC) were left out of the process which “signalled the end of the ‘conference’ even before it began.” [10p] IRIN also noted the opinion of Francois Fall, the UN Special Representative for Somalia, on behalf of the International Advisory Committee: “Whilst the conclusion of this Congress marks yet another milestone in the quest for peace and reconciliation in Somalia, it does not however, signify the end of the reconciliation process.” [10p]

‘SOUTH WEST STATE OF SOMALIA’ (BAY AND BAKOOL)

- 3.25 Europa Online, when accessed on 22 April 2009, reported:

“The reconciliation process in Somalia was further endangered in early April 2002, when the Rahanwin Resistance Army (RRA) announced that it had established a new autonomous region in south-western Somalia, based in Baidoa, to be known as the ‘State of South-western Somalia’. The Chairman of the RRA, Mohamed Hasan Nur, was elected as ‘President’ of the new region for a four-year period.” [1a] (Recent History)

‘PUNTLAND’ REGIONAL ADMINISTRATION

- 3.26 Europa Online, accessed on 22 April 2009, noted:

“In July 1998 Col Abdullahi Yussuf Ahmed, a former leader of the SSDF [Somali Salvation Democratic Front], announced the formation of ‘Puntland’,

a new autonomous administration in north-eastern Somalia. In August [1998] Abdullahi Yussuf, as President of the new administration, appointed a cabinet, which was subsequently approved by the recently inaugurated 69-member parliament (empowered to act as the legislature for a three-year transitional period, prior to the holding of regional elections). A charter for 'Puntland', released shortly afterwards, precluded 'Puntland' from seceding from Somalia, while it envisaged the adoption of a federal system of national government, with similar regional governments emerging around the country. Hussein Aidid declared his opposition to the administration, accusing the Ethiopian authorities of encouraging 'Puntland' to secede. In late June 2001 Yussuf's mandate was controversially extended for a further three years by the 'Puntland' parliament, at the behest of clan elders. The constitutionality of the decision was challenged by several opposition figures, and the 'Puntland' High Court issued a decree, effective from 1 July [2001], placing all security services and other government institutions under its supervision. The Chief Justice of 'Puntland', Yussuf Haji Nur, subsequently proclaimed himself President of the territory; senior clan elders confirmed Haji Nur as acting President until 31 August [2001]. However, Yussuf rejected this decision, and heavy fighting ensued between followers of Yussuf and Haji Nur. In late August [2001] a general congress, attended by representatives of all major 'Puntland' clans, opened in Garowe, the region's capital, to elect a new President and Vice-President, as well as members to a new 'Puntland' assembly, and in mid-November [2001] Jama Ali Jama and Ahmad Mahmud Gunle were sworn in as President and Vice-President, respectively. Just days later violent clashes were reported to have taken place in Garowe between troops loyal to Yussuf and Ali Jama. In April 2002 Yussuf and Ali Jama met for talks in Ethiopia, but no agreement was reached. Fighting continued in 'Puntland' during 2002 and early 2003, with numerous casualties reported on both sides. In May 2003 Yussuf sought to stabilize 'Puntland' by concluding a power-sharing agreement with opposition forces, under the terms of which opposition members were granted a number of ministerial portfolios. In July 2004, following a presidential decree which reduced the Government's term in office from two years to six months, Yussuf formed a new 15-member Government. In October [2004] Yussuf was elected President of Somalia (see above) and Mohamed Abdi Hashi succeeded him as President of 'Puntland' in an acting capacity. In early January 2005 Gen. Mohamud Muse Hersi 'Adde', a former Somali diplomat, secured the support of 35 members of the 'Puntland' parliament, thus defeating Hashi, who won 30 votes, and was elected President of 'Puntland'. Hassan Dahir Afqurac was elected Vice-President. In late February 2006 an armed confrontation near the parliament building between security forces and a group loyal to the Minister for Planning, Abdirahman Farole, resulted in at least three deaths. Security forces had surrounded the building, which the group had occupied the previous day. In early March [2006] members of parliament approved a new Cabinet, in which incumbent ministers retained their portfolios, with the exception of Farole, whom Hersi had dismissed following the siege. Meanwhile, in October 2005 it emerged that 'Puntland' had issued mineral and oil exploration rights to Range Resources of Australia in an agreement that included the regions of Sanaag and Sool, disputed by 'Puntland' and the neighbouring region of 'Somaliland', prompting vociferous criticism from the 'Somaliland' administration. From September 2004 troops from both regions had reportedly been engaged in heavy fighting near the border between the two self-declared states." [1a] (Recent History)

THE 'REPUBLIC OF SOMALILAND'

- 3.27 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 2 March 2007, (accessed on 22 April 2009), noted:

"In May 1991, the north-western region of Somalia (ie: the former British Protectorate of Somaliland) declared unilaterally its independence as the 'Republic of Somaliland'. A government was elected for an initial 2-year period at a conference of elders and in May 1993 former Somali Prime Minister Mohamed Ibrahim Egal was elected President. Egal was re-elected for a five-year term by the National Communities Conference in Hargeisa in February 1997. A Parliament composed of members nominated by their clans was established, a new government was formed and a Constitution approved. A referendum on the Constitution took place on 31 May 2001. 97% of those voting supported the new constitution, which confirmed the region's unilateral secession from the rest of Somalia. Municipal elections were held in January 2003." [16a] (Somaliland)

- 3.28 The FCO profile, dated 2 March 2007, (accessed on 22 April 2009), added:

"After the death of Egal in May 2002, Vice-President Dahir Riyale Kahim was sworn in as President. Presidential elections were held in May 2003 in which Riyale narrowly beat his opponent. Parliamentary elections were held on 29 September 2005. Somaliland's stability has been widely acknowledged but it has not received formal recognition from the international community. It has stood aside from wider reconciliation processes but indicated its readiness to discuss relations with Somalia on a basis of equality once a new government is established in Mogadishu." [16a] (Somaliland)

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4. RECENT DEVELOPMENTS

- 4.01 The security situation in Mogadishu was initially tense after the withdrawal of the Ethiopian forces on 13 January 2009, but apart from an incident involving African Union Mission to Somalia (AMISOM), and one attack by Al Shabaab on Villa Somalia, the current presidential compound, reported incidents ceased. Presidential elections were held in Djibouti on 31 January 2009; Sheikh Sharif, the head of the ARS Djibouti faction won (BBC Country timeline, 24 February 2009) [8g] and on 13 February, announced the appointment of his Prime Minister, Omar Abdirashid Ali Sharmarke. (BBC News, 13 February 2009) [8ab] The new President Sheikh Sharif, in conjunction with the new administration in Mogadishu, called all Transitional Federal Government (TFG) forces back to base for reassignment. (IRIN, 10 April 2009) [10af]

See Political system, Central and southern Somalia; Security Forces, Current TFG

Renewed violence, May to July 2009

- 4.02 In Mogadishu, after a period of relative stability, an intensification of the conflict between the Government forces of President Sharif and the insurgent jihadist groups erupted on 8 May 2009. The TFG had been beaten back to areas held by AMISOM, the African Union peace-keeping mission to Somalia. Thus, the Government only held the Villa Somalia compound, K4 roundabout, the airport and the seaport and connecting roads. Fighting was intense in the northern residential areas of Hodan and Wardhiigley. Fighting was reported in the western areas of Medina, Dharkinley, and Dayniile, residential areas previously untouched by direct conflict. An article dated 10 June 2009 from a BBC contact trapped by fighting in Yaqsuiid district, Mogadishu reported people known to the correspondent dying of conflict injuries and starvation. (BBC, 10 June 2009) [8ah]
- 4.03 The number of jihadist coalition fighters is unknown, but in early May, al Shabaab reinforced its forces in Mogadishu with 30 'technicals' (converted trucks with heavy machine guns) and other heavy armaments. (Garowe, 6 May 2009) [35aq] The TFG deployed 600 troops to hold the airport in May 2009. (BBC, 26 May 2009) [8ad]; AMISOM maintained a complement of 4,300 Ugandan and Burundian troops. (UN Security Council, 9 March 2009) [3f] (point 20, p4) The BBC interviewed an al Shabaab commander, on 3 July 2009, who confirmed that there had been an influx of foreign fighters into al Shabaab ranks. [8ar] On 5 July 2009, the TFG police commander stated: "There was at time when foreigners were only involved in training and technical support and financial matters... But now, there are fighting units of foreign men and the Somalis role is limited to reconnaissance, advice and local knowledge'." (BBC, 5 July 2009) [8ap]
- 4.04 UNHCR and UNICEF issued a joint statement on 9 June 2009:
- 117,000 people estimated to have left the city as IDPs since 8 May 2009;
 - majority of IDPs are women and children;
 - 200 people have been killed in the current conflict;

- over 700 people are estimated to have been wounded in the conflict, many of them civilians
- “There is no safe place for children in Mogadishu in the current situation. Children are being killed and maimed in their own homes, in schools, and on the residential streets of the city”; and
- adolescent males are being forcibly recruited into all armed forces. [27c]

- 4.05 Garowe Online reported on 10 June 2009 that the UN reported that war crimes and crimes against humanity were being committed on a daily basis “on all sides” in the conflict in Mogadishu. The UN stated that “all sides in the fighting have flaunted humanitarian principles by ignoring the safety of civilians. Fighters have shelled civilian areas, forcibly recruited children to join militias, and raped women.” [35bg]

See Abuses by non-government armed forces, Insurgents; Police and security forces, Current TFG forces and AMISOM; and Freedom of movement, Airports

- 4.06 The violence of May to July 2009 also included high-level assassinations, the most significant being the killing of the Security Minister, Omar Hashi Aden, in an explosion in Beletweyne on 17 June 2009. (BBC, 18 June 2009) [8au]
- 4.07 Voice of America reported on 6 July 2009 that al Shabaab issued an ultimatum to the TFG, demanding the surrender of TFG forces’ weapons in the next five days. The ultimatum was dismissed by the TFG Minister of Security, Mohamed Said Yusef ‘Inda’ade’. [34d]
- 4.08 The TFG, alongside issuing a State of Emergency on 21 June 2009, requested military assistance from the International Community. (Garowe Online, 22 June 2009) [35br] The US Government confirmed that they had supplied the TFG with weapons. (BBC News, 26 June 2009) [8as] President Sharif later, on 28 June 2009, accused Eritrea of supplying the insurgent forces with military advisers. (Garowe Online, 28 June 2009) [35bn] On 29 July 2009, the UN Special Representative for Somalia, Ahmedou Ould-Abdallah, informed the United Nations Security Council that the Somali Government was being threatened by extremist groups, funded by forces outside Somalia, who, he recommended, should be subject to sanctions. (Garowe Online, 2 August 2009) [35z] The UN Emergency Relief Coordinator, John Holmes, on 21 July 2009, reiterated that UN aid workers were not going to withdraw from Somalia “despite threats and looting by al Qaeda-linked militants”. (Garowe Online, 21 July 2009)[35bt]

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Internally Displaced Persons (IDPs)

- 4.09 On 12th August 2009, Reuters reported that:

“In Geneva, a spokeswoman for the UN Office for the Coordination of Humanitarian Affairs said the humanitarian crisis in Somalia had reached a new low.

"There are 3.2 million people in need of urgent assistance," Elizabeth Byrs told UN radio. "Since May 2009, 200,000 people have fled insecurity in Mogadishu and there are a total of 3.9 million displaced - meaning one out of seven people is displaced in Somalia."

"In the port city of Kismayo, IDPs said lack of food, health facilities and sanitation were the most pressing issues for about 30,000 people in various camps around the city.

"Mohamed Muse Ali, chairman of the IDPs in Kismayo, said no aid agency was operating in any of the camps." [38c]

See IDPs, Mogadishu

POLITICAL DEVELOPMENTS

- 4.10 Parliament assembled on 26 January 2009 to give mandate to a new expanded Parliament and to announce presidential elections, with Garowe reporting on 27 January 2009:

"At least 16 presidential candidates are competing to replace ex-President Abdullahi Yusuf, who resigned last month and was widely seen as an obstacle to the peace process. Sheikh Sharif Ahmed, chairman of the ARS opposition faction, is one of the leading contenders for the Somali presidency. His closest challengers include a list of remarkable characters: current TFG Prime Minister Nur 'Adde' Hassan Hussein; ex-PM Ali Mohamed Gedi; ex-PM Hassan Abshir; ex-PM Ali Khalif Galayr; ex-Interior 'Minister Mohamed Mohamud 'Gamodheere'; ex-Mogadishu warlord Mohamed Qanyare; and ex-Kismayo warlord Gen. Mohamed Hersi 'Morgan'." [35v]

- 4.11 Sheikh Sharif Ahmed ("Sheikh Sharif"), leader of the Alliance for the Reliberation of Somalia (ARS) – Djibouti, "comfortably won a majority in a second round of voting after one of the frontrunners, Prime Minister Nur Hassan Hussein ['Nur Adde'] withdrew." (BBC, 31 January 2009) [8aa] On 13 February, the new President appointed a new Prime Minister, Omar Abdirashid Ali Sharmarke. (BBC News, 13 February 2009) [8ab] President Sheikh Sharif's appointment was welcomed by the United Nation's Special Representative for Somalia, Ahmedou Ould-Abdallah, as a "historic" opportunity. (UN News Centre, 4 February 2009) [71a]

- 4.12 President Sheikh Sharif was reported by the BBC on 4 February 2009 to have appealed at an African Union meeting for "foreign military assistance" (unspecific as to which bodies he was appealing to) to deal with extremists opposed to the peace process. (BBC, 4 February 2009) [8ac] The President called for "national unity" and to bring Islamist factions together. (Associated Press, 1 February 2009) [25b] President Sheikh Sharif met with top Mogadishu officials on Sunday, 8 February 2009, setting up a commission to oversee the integration of TFG and ARS security forces. He also met with a group of Muslim scholars tasked with assisting with reconciliation moves in intra-Islamist faction feuding. (Garowe, 8 February 2009) [35av] On 20 February 2009, Garowe reported that the meeting of Islamic scholars called for the withdrawal of the African Union Mission (AMISOM) troops from Somalia within 120 days, and for insurgent groups to allow the mission a peaceful withdrawal.[35au]

- 4.13 On 26 January 2009, al Shabaab took the town of Baidoa, including the Somali Parliament building and other institutions of the TFG. (BBC, 26 January 2009) [8e] Parliament relocated to Mogadishu, though many MPs were outside the country. There were demonstrations in early February 2009, in Baidoa, expressing opposition to the new President, Sheikh Sharif. (Garowe, 2 February 2009) [35az]
- 4.14 President Sheikh Sharif's appointment was rejected as illegitimate. "Islamist hardliners, namely Al Shabaab and the Eritrea-based ARS faction, have refused to recognize Sheikh Sharif's presidency, labelling him a puppet of the West." (Garowe, 2 February 2009) [35aw] Four major Islamist insurgent groups met and formed a united opposition against the Sheikh Sharif Government (Garowe, 4 February 2009) [35ax], named Hisbul Islamiya [also Hisbul Islam] – the Islamic Party, led by Dr Omar Iman, the leader of the ARS-Asmara faction. The four groups are ARS-Asmara, Jabhatul Islamiya, Mu'askar Ras Kamboni and Anole. (Garowe, 7 February 2009) [35ay].
- 4.15 Political power shifted in April/May 2009: a political rival of President Sharif (and one-time co-leader of the Union of Islamic Courts in 2006), Sheikh Aweys, returned to Mogadishu on 30 April 2009, (Garowe Online, 23 April 2009) [35aq] and rebuffed an alliance with the TFG but instead aligned himself with the opposition Hisbul Islamiya (the Party of Islam). (BBC, 28 April 2009) [8y] He was then elected Hisbul's head on 26 May (Garowe Online, 26 May 2009) [35ap].
- 4.16 Regarding the operation of Parliament, it was reported by the BBC on 24 June 2009 that the then current period of violence (May – July 2009) had resulted in many MPs fleeing Mogadishu, and stated "As few as 280 MPs remain, with 250 needed to make a quorum in the 550-seat assembly, based in the capital." [8at]

See [Abuses by non-government armed forces](#)

Shari'a law introduced

- 4.17 Shari'a has been formally adopted by the TFG as the legal basis in Somalia. (Garowe Online, 19 April 2009) [35ai] Al Shabaab run their own Shari'a courts, in southern and central Somalia. In Kismaayo, there have been two public amputations, at least one public stoning to death and public floggings. (BBC, 20 May 2009) [8b] Journalists are tightly controlled. (BBC, 8 June 2009) [8af]. Al Shabaab's strict interpretation of Islam has also extended to everyday life. For example women are now expected to wear the hijab [meaning 'barrier' or 'partition' in Arabic, and is often interpreted as being a head covering] with Al Shabaab demanding that women are covered from "head to toe". (BBC, 20 May 2009) [8b] Religious differences have been the key point to conflicts in central Somalia, particularly at Webho in June 2009. (Garowe, 7 June 2009) [35bc]

See [Shari'a](#); [Freedom of religion](#); [Webho](#)

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5. CONSTITUTION

5.01 Europa Online, Somalia, accessed on 22 April 2009 recorded that:

“The Constitution promulgated in 1979 and amended in 1990 was revoked following the overthrow of President Siad Barre in January 1991. In July 2000 delegates at the Somali national reconciliation conference in Arta, Djibouti, overwhelmingly approved a national Charter, which was to serve as Somalia’s constitution for an interim period of three years. The Charter, which is divided into six main parts, guarantees Somali citizens the freedoms of expression, association and human rights, and distinctly separates the executive, the legislature and the judiciary, as well as guaranteeing the independence of the latter.” [1a] **(The Constitution)**

The Puntland Charter

5.02 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, released on 25 February 2009 (USSD report for 2008) recorded that the semi-autonomous region of Puntland’s Charter prohibits torture except where this is imposed by Shari’a courts in accordance with Islamic law. [2a] **(Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

5.03 On 25 May 2009, Garowe Online reported that the Puntland Council of Ministers had approved a regional constitution for Puntland. The report stated:

“President Farole, who promised political reforms during 2008 election campaign, has made the new constitution one of his administration’s top priorities. If ratified by Parliament, the constitution will introduce a multi-party political system for the first time since the inception of Puntland State in 1998. The new constitution must undergo a public referendum after parliamentary approval, a government source added.” [35at]

5.04 In an extraordinary session of the 66-seat Puntland Parliament on 15 June 2009, MPs were asked by President Farole to ratify the Council of Ministers chosen by the President, and to vote on adoption of the the new constitution. Both motions were passed unanimously. (Garowe, 15 June 2009) [35bi]

5.05 The International Crisis Group issued a report entitled *The trouble with Puntland* on 12 August 2009 that commented on the new constitution:

“The regime’s attempt to replace the 1998 Puntland Charter with a new constitution also exacerbates the governance crisis. The constitution was crafted in se-crecy, without input from civil society and key clan constituents. Unveiled in June 2009, it is provisionally in force pending an early referendum. Critics argue the timing is inauspicious and the process deeply flawed, smacking of opportunism. ...The trouble with the constitution is not confined to concerns over the drafting process. The document has noteworthy features. It seeks to transform Puntland into a parliamentary democracy with a multiparty system, albeit one that limits the number of parties to three. It is mostly strong on human rights, with a good mix of checks and balances to prevent executive abuses and make government more accountable.” [24b] (p8-9)

- 5.06 The ICG's Trouble with Puntland report however notes flaws with the constitution and its implementation, noting that political parties are limited in number, possibly exacerbating clan rivalry; Islam is privileged; and it embodies an assumption of secession from the Somalia union. [24b] (p9)

'Republic of Somaliland' Constitution

- 5.07 The USSD report for 2008 mentioned that: "The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the constitution, some of which contradict democratic principles." [2a] (Denial of Fair Public Trial)

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6. POLITICAL SYSTEM

- 6.01 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, released on 25 February 2009, (USSD report for 2008) stated:

“The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative government institutions and organize national elections.” [2a] (Introduction)

- 6.02 The US State Department in its Background Note of August 2009 noted:

“Government: Transitional government, known as the Transitional Federal Government (TFG), established in October 2004 with a 5-year mandate leading to the establishment of a permanent government following national elections in 2009. In January 2009, the Transitional Federal Parliament (TFP) extended this mandate an additional two years to 2011 and expanded to include 200 Members of Parliament (MPs) from the opposition Alliance for the Re-liberation of Somalia and 75 MPs from civil society and other groups, doubling the size of the TFP to 550 MPs.” [2d] (Government – summary)

- 6.03 The Background Note further added:

“A transitional government, the components of which are known as the Transitional Federal Institutions (TFIs) was formed in 2004 following the conclusion of a 2-year reconciliation conference. The TFIs include a transitional parliament, known as the Transitional Federal Parliament (TFP) (formed in August 2004), as well as a Transitional Federal Government (TFG) that includes a transitional President, Prime Minister, and a cabinet known as the ‘Council of Ministers.’ For administrative purposes, Somalia is divided into 18 regions; the nature, authority, and structure of regional governments vary, where they exist.” [2d] (Government – main)

Central and Southern Somalia

- 6.04 On local government, the US State Department *Report on Human Rights Practices 2008* (USSD report for 2008) stated:

“The Banadir regional elections were delayed by several weeks but eventually took place on November 23 [2008] through secret ballot. Three elected officials assumed the positions of Mogadishu mayor and Banadir governor and first and second deputy mayor/governor. These officials would lead the counselors in a 69-member Banadir administration who were selected by the prime minister and an interim governing body through complex clan negotiations.” [2a] (Elections and Political Participation)

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PUNTLAND

- 6.05 The US State Department in its Background Note of August 2009 noted: "The area of Puntland declared itself autonomous (although not independent) in 1998 with its capital at Garowe. Abdirahman Mohamed Farole was elected President by the Puntland parliament in January 2009. Puntland declared it would remain autonomous until a federated Somalia state was established." [2d] (**Political conditions**)
- 6.06 The USSD report for 2008 noted (written before the result of the presidential election), in addition:
- "In 1998 Puntland declared itself a semiautonomous regional government during a consultative conference of delegates from six regions that included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in 2005. Parliamentary representatives are seated by their respective clan elders, and on December 30, Puntland's election and ratification commission announced the names of 66 new members of parliament selected by clan elders in the six administrative regions." [2a] (**Elections and Political Participation**)
- 6.07 The USSD report for 2008 added: "Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security. As part of the election process, each presidential candidate was required to pay a \$5,000 qualification fee and each vice-presidential candidate a \$2,500 fee. Some of these funds were to be used for security during the proceedings." [2a] (**Elections and Political Participation**)
- 6.08 The BBC reported that the Puntland presidential elections of 8 January 2009 were won by Abdirahman Mohamed Farole. "Mr Farole beat his main rival Abdullahi Ilkajir in the final round of voting by winning 49 of the 66 votes cast by MPs." He has pledged to make security and the elimination of piracy key issues for his administration. [8k]

SOMALILAND

- 6.09 The USSD report for 2008 stated:
- "Somaliland has a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence." [2a] (**Elections and Political Participation**)
- 6.10 The US State Department in its Background Note of August 2009 noted:
- "In Somaliland, which is made up of the former British protectorate, Dahir Riyale Kahin was elected President in presidential elections deemed free and fair by international observers in May 2003. ... In 1991, a congress drawn from the inhabitants of the former Somaliland Protectorate declared

withdrawal from the 1960 union with Somalia to form the self-declared Republic of Somaliland. Somaliland has not received international recognition, but has maintained a de jure separate status since that time. Its form of government is republican, with a bicameral legislature including an elected elders [sic] chamber and a house of representatives. The judiciary is independent, and various political parties exist. In line with the Somaliland Constitution, Vice President Dahir Riyale Kahin assumed the presidency following the death of former president Mohamed Ibrahim Egal in 2002. Kahin was elected President of Somaliland in elections determined to be free and fair by international observers in May 2003. Elections for the 84-member lower house of parliament [the House of Representatives] took place on September 29, 2005 and were described as transparent and credible by international observers.” [2d] (Government)

- 6.11 The Human Rights Watch report of July 2009, *‘Hostages to peace’: threats to human rights and democracy in Somaliland*, related that Somaliland’s bicameral legislature is made up of the House of Representatives, with elected members serving five year terms, with the first elections held in 2005. The *Guurti* or House of Elders is composed of clan elders appointed by traditional tribal negotiations, and is “an outgrowth of the Council of Elders” (the appointed presidential cabinet). [30f](p17)

- 6.12 The USSD report for 2008 stated:

“In 2006 President of Somaliland Dahir Riyale Kahin postponed elections for the parliament’s House of Elders and initiated a process to extend the mandate of the unelected upper house, or *Guurti*, for four years. On April 10, presidential and local elections scheduled for July and August were again postponed, this time by the *Guurti*. As in 2006, opposition parties again declared the process illegal. The *Guurti* decided to extend President Riyale’s term in office for an additional year. Subsequent to international mediation the stakeholders agreed to a new electoral timetable and a national voter registration process where each Somaliland citizen would also receive a national ID card. By year’s end the registration process had concluded successfully in most of Somaliland’s regions. During the year it was reported that presidential elections were scheduled for April 6, 2009, and were to be followed by local elections.” [2a] (Elections and Political Participation)

- 6.13 The presidential elections were further delayed to September 2009 by a decision of the Council of Elders on 28 March 2009. (Somaliland Press, 28 March 2009) [66a] On 5 July 2009, opposition parties warned the Somaliand government not to postpone the presidential elections again. “[A] joint statement from the only opposition parties in Somaliland, Kulmiye and UCID, stated that the presidential election has been ‘delayed four times’ and that the opposition has ‘no confidence’ in the Somaliland election commission.” (Garowe Online, 5 July 2009) [35b] The Human Rights Watch report of July 2009, *‘Hostages to peace’: threats to human rights and democracy in Somaliland*, noted how the current administration “has stood aside to watch preparations for the elections unravel, doing nothing to try and put them back on track, and exploited the confusion to remain in power far beyond its mandate. The president has now managed to extend his own term of office by 18 months using means whose legality is questionable at best.” [30f] (p45) The *Hostages to peace* report gives a full background to the election controversy. [30f] (p45-50)

See also [Latest news](#)

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Human Rights

7. INTRODUCTION

- 7.01 The US Department of State *Country Report on Human Rights Practices, Somalia, 2008*, released on 25 February 2009, summarised Somalia's human rights record:

"The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions and rule of law, the widespread availability of small arms and light weapons, and ongoing conflicts. As a consequence citizens were unable to change their government. Human rights abuses included unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, the perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rape; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems." [2a] (Introduction)

- 7.02 The Foreign and Commonwealth Office (FCO) in its profile of 2 March 2007, (accessed on 27 April 2009), stated:

"The human rights situation is defined by the absence of effective state institutions. Somalis enjoy substantial freedoms – of association, expression, movement – but live largely without the protection of the state, access to security or institutional rule of law. Institutions are emerging in some parts of the country, especially Somaliland. Islamic courts play a significant role in Mogadishu. Overzealous application of supposedly Islamic law in the aftermath of the [Islamic Courts Union]'s successful struggle to secure Mogadishu attracted widespread media attention. Women generally have difficulty making their voices heard in the political arena but are currently playing a very active role in civil society organisations, which are flourishing in the absence of government." [16a] (Human Rights)

- 7.03 The UN Security Council's *Report of the Secretary-General on the situation in Somalia*, 14 March 2008 notes:

"Violations of human rights and international humanitarian law continue unabated in Mogadishu. Civilians bear the brunt of indiscriminate shelling and shootings ... Members of civil society, particularly journalists and human rights activists, have been targeted for abuse and persecution. Public servants are also targets of political assassination. (p10) ... Human rights monitors and organizations have very limited capacity to operate. In addition, they are confronted by threats and intimidation from the authorities, and access to independent information for the purposes of monitoring is therefore hampered." [3d] (p11)

- 7.04 The FCO observed in its *Annual report on Human Rights 2008*, published on 26 March 2009, under “Major countries of concern – Somalia”, that “Insecurity in Somalia makes monitoring human rights and gathering reliable evidence very difficult.” [16e] (p163)
- 7.05 Human Rights Watch (HRW), in their report *Shell Shocked: Civilians under siege in Mogadishu* dated August 2007, asserted that “successive political and military upheavals [in Somalia] generated a human rights and humanitarian crisis on a scale not seen since the early 1990s.” The report argued that the deployment of insurgent forces in densely populated neighborhoods and the deliberate bombardment of these areas by Ethiopian forces “strongly suggests” the commission of war crimes. [30a] The report added that the conflict was typified by insurgents using mortars, followed by heavy weapons response from TFG and Ethiopian forces in such a way as to disregard any distinction between military and civilian targets. Both sides executed prisoners. [30a]
- 7.06 Human Rights Watch, in their *World Report Somalia 2009*, covering events in 2008, released in January 2009, noted that: “In 2008 violence escalated in scale and brutality ... The human rights and humanitarian situation in Somalia deteriorated to levels perhaps unseen since the collapse of the country’s last unified central government in 1991.” The report went on to explain the various violations of international humanitarian law that occurred throughout the year by the various groups of combatants, and especially emphasising the attacks against journalists, NGO workers, and civil society members. [30b] (p157)
- 7.07 Amnesty International’s Report 2009, *Somalia*, covering events in 2008, released on 28 May 2009, observed that:
- “Armed conflict of TFG forces and allied Ethiopian forces against insurgent al-Shabab and other militias continued to exact a heavy toll on civilians, with more than 16,000 civilians killed since January 2007. More than 1.2 million people were internally displaced in southern and central Somalia, with hundreds of thousands of refugees in neighbouring countries, including Kenya. All parties to the conflict violated international humanitarian law, committing war crimes including wilful killings of civilians, and possible indiscriminate and disproportionate attacks on civilian populated areas ... While Ethiopian forces continued to be implicated in abuses against civilians, targeted attacks against humanitarian aid workers and local human rights defenders by al-Shabab and other militias markedly increased in 2008.” [6a]
- 7.08 The same source added that:
- “Human rights defenders, humanitarian aid workers and journalists remained at risk from attack by all parties to the conflict, most often by armed militias. They were regularly threatened, shot at, abducted and killed. More than 40 Somali human rights defenders and humanitarian workers were killed between January and September 2008 alone. Critics of any armed group faced extreme danger, despite mediation efforts by local clan elders and religious leaders ... International and local humanitarian aid workers faced the worst violence against them since the early 1990s after the overthrow of

the Siad Barre government. Perpetrators were often difficult to identify and survivors were often unwilling to report abuses out of fear of retaliation. Agencies were reluctant to speak about the dire conditions they faced, out of fear of losing access to displaced people and other vulnerable populations in need of essential assistance.” [6a]

For further information see [International human rights organisations](#), [Extrajudicial Killings](#), [Journalists](#) and [Humanitarian aid](#)

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8. SECURITY SITUATION

OVERVIEW

- 8.01 The *Report of the UN Secretary-General on the situation in Somalia*, 9 March 2009, (UNSG Report March 2009) stated: “The security situation in Somalia remained volatile during the reporting period [17 November 2008–1 March 2009]. Insurgent forces gained control over additional towns and territory, although they are increasingly facing armed resistance from clans and other local militias.” [3f] (p4, paragraph19) The *Report of the UN Secretary-General on the situation in Somalia*, 20 July 2009, (UNSG Report July 2009) noted that the security situation still “remains fluid”, with insurgent gains but Transitional Federal Government and the African Union Mission in Somalia (AMISOM) holding on to key areas of Mogadishu. [3g] (p2, paragraph7)
- 8.02 Quoting a comment by the Office of the High Commissioner for Human Rights (OHCHR), the Landinfo report, *Conflict, security and clan protection in South Somalia*, 12 November 2008, stated: “A new dimension to the conflict is that it is often no longer possible to clearly identify the perpetrators, as many actors cannot be differentiated by their uniform or clothing, while others blend in with civilians, and yet others may be serving financial, clan-based or even opportunistic interests rather than political ones (OHCHR 2008).” [45d] (p18, s.4.)

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CENTRAL AND SOUTHERN SOMALIA

- 8.03 The Human Rights Watch Report 2009 stated: “Since the beginning of 2007 more than 870,000 civilians have fled war-torn Mogadishu alone and more than 6,000 civilians have been killed in the fighting. Untold numbers of Somalis bear the scars of seeing family members killed or raped.” [30b]
- 8.04 In the UN Security Council report of the Secretary-General, dated 2 October 2009, it was reported that: “Insecurity remains the most critical challenge facing Somalia today...The Transitional Federal Government and AMISOM troops are continuously targeted, including through ambushes and coordinated attacks against strategic locations.” [3h] (p4, paragraph 14-16)
- 8.05 The same report goes on to say:
- “Beyond Mogadishu, the security situation deteriorated markedly in the reporting period, with Government and allied militia challenging insurgent forces for control over strategically important towns in southern and central Somalia. In August, Al-Shabaab and Hizbul Islam forces were temporarily driven from the towns of Beledweyne and Bulobaarde (Hiraan region) and some insurgent strongholds in the Gedo region. However, insurgents were later able to retake many of these locations. In late August, Ethiopian forces reportedly crossed the border into Hiraan region and briefly entered Beledweyne to dislodge the insurgents.
- “Overall, the security situation in southern and central Somalia has become more volatile and hostilities are likely to continue at the present level.” [3h] (p4-5, paragraph 17)

See [Map of Somalia](#)

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Baidoa

8.06 On 8 July 2008, Baidoa was attacked for the first time since 2006. (BBC, 8 July 2008) [8s] Security incidents in November 2008, after the Ethiopian forces withdrew from Baidoa on 23 November 2008, (Garowe, 30 November 2008) [35an] were followed by a blockade of the town in early December 2008. (Garowe, 1 December 2008) [35ao]

8.07 On 26 January 2009, Al Shabaab took the town and the parliament building. (BBC, 26 January 2009) [8e] followed by the introduction of Shari'a law on 28 January 2009 (Garowe, 27 January 2009) [35w] The UNSG Report 2009 noted that there had been widespread looting following the TFG militia's leaving the town and prior to Al Shabaab negotiating control from local clan elders. [3f] (p4, paragraph 21)

8.08 On 20 July 2009, Reuters reported that UN compounds in Somalia had been looted by Al Shabab:

"The compounds targeted were in Baidoa, the seat of Somalia's parliament before insurgents seized the town, and the World Food Program's (WFP) compound in Wajid in the Bakool region.

"In Baidoa, the looting of all emergency communication equipment and the lack of security officers makes it impossible for the United Nations as a whole to continue its operations, the U.N. said in a statement." [38d]

See [IDPs in Baidoa](#)

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Beletweyne

8.09 The BBC reported on 25 July 2008 that fighting in Beletweyne, 350km north of Mogadishu, led to insurgent forces taking the town from combined TFG/Ethiopian forces for over two days. Nineteen people were reported killed. (BBC, 25 July 2008) [8p]

8.10 On Friday 12 September 2008, the Ethiopian forces killed a mentally ill man, thus totalling four civilian deaths over two days. (World News Connection, 12 September 2008). [63b] On Saturday 13 September 2008, the Ethiopian forces withdrew entirely from Beletweyne. The force had been the third largest Ethiopian force in Somalia. (Garowe, 13 September 2008) [35af] On 12 September 2008, inter-clan fighting between the Hawadle and Abgal clans was reported in the village of El Dhere, 330km north of Mogadishu, and 50km north east of Beletweyne. Nine people were killed. (Associated Press, 12 September 2008) [25a]

8.11 The Ethiopian forces withdrew from Beletweyne in September 2008. There was a dispute between the two factions of Alliance for the Re-liberation of

Somalia (ARS) as to why the Ethiopians finally left: the faction based in Djibouti said they left as part of the Djibouti peace agreement; while Indha Ade, who claimed to be the Defense Secretary for the ARS faction based in Eritrea, claimed that the Ethiopians “left after we fought them”. (Garowe, 30 September 2008) [35u]

- 8.12 On 29 August 2009, the BBC reported that the Ethiopian army had reoccupied Beletweyne, with Islamist forces withdrawing from the town “without a fight”. [8al]

See [Recent events and IDPs in Beletweyne](#)

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Central Somalia, Galgadud region

- 8.13 On 16 March 2009, IRIN reported that fighting between Islamist groups erupted on 14 March 2009 around Webho town, displacing 30,000 people. The Ahlu Sunna Walijama (ASW) Islamist group launched an attack to dislodge Al Shabaab forces from the Dusamreb area, with at least 146 people killed and 231 injured in the fighting. [10am]

See [Webho](#)

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Jowhar

- 8.14 On 2 September 2008, IRIN reported on the situation in Jowhar, 90km north of Mogadishu, noting tension between the two factions of the Alliance for the Reliberation of Somalia. [10aa] Garowe Online reported on 23 October 2008 that the “Islamic Courts rulers in Somalia’s Middle Shabelle region” were imposing a night-time curfew in Jowhar town. “Locals told Radio Garowe that freelance militiamen have robbed civilians traveling the 90km stretch road linking Jowhar to the national capital, Mogadishu.” [35c] Garowe reported on 23 June 2009 that two people were killed when a bus was attacked near Jowhar, inside al Shabaab-held territory. The bus was travelling from Mogadishu to Galkayo in Puntland. The attackers were unidentified. In a separate incident, eight people were killed in clan militia clashes in the Middle Shabelle region. [35bo]

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Kismaayo

- 8.15 Kismaayo was taken by Islamist forces from clan-based militias on 22 August 2008. (Garowe, 22 August 2008) [35p] On 13 October 2008, Garowe reported that the Harti clan militia leader, Salah OJ Hassan, had been arrested and then executed by the Kismayo Islamist forces. [35x]
- 8.16 Previously, in January 2008, the UN fact-finding team were the first UN mission to visit Kismaayo since mid-2006, and the UNSC Report, 14 March 2008, stated:

"While the city was free of fighting on the day the team visited, the situation in the city remains volatile, particularly because of fighting for control over the port and airport. Although the team met with Government officials representing an alliance of clans who claim to control most of 'Jubaland', it was clear to the team that the security situation is fluid and far from stable ... [On Biadoa and Merka] the situation is assessed to be more stable although underlying tensions remain." [3d] (p29)

See Insurgent groups, Kismaayo

- 8.17 The UNSG Report March 2009 noted: "At the beginning of January [2009], reports were received from Kismayo indicating that Al-Shabaab militias had arrested up to 30 people in a raid targeting local non-government organizations." [3f] (p4, paragraph 21)

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Merka

- 8.18 On 12 November 2008, the port of Merka, 40km south of Mogadishu, fell to Al Shabaab forces. (Garowe, 12 November 2008) [35p] The town had been under the control of the Habar Gedir warlord Indha Ade since the Ethiopian invasion of December 2006; he was issued with an ultimatum on 13 November to disarm, which he refused. He was then reported to have fled to the central regions. (Garowe, 13 November 2008) [35ad] On 15 November 2008, the Al Shabaab spokesman Muktar Robow 'Abu Mansur' announced that Al Shabaab was instituting an Islamic court in Merka to serve the Lower Shabelle region. (Garowe, 15 November 2008) [35ae] Al Shabaab seized full control of the town in December 2008. (UNSG Report 2009) [3f] (p4, paragraph 21)

- 8.19 On 6 March 2009, Reuters reported that:

"The UN World Food Programme (WFP) halted general distributions in Merka in January because of insecurity – except for some distributions to hospitals and supplementary feeding that has continued.

"Our international staff were relocated from Merka at the end of October, but we still have national staff there," WFP spokesman Peter Smerdon said.

"We are currently asking all local administrations and armed groups in South and Central Somalia to provide security commitments following the killing of two WFP staff within three days in January." [38e]

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Webho

- 8.20 The first news of the fighting in Webho, central Somalia, between the forces of the pro-TFG, Ahlu Sunnah Wal Jama, a Sufi Islamist group, and local Al Shabaab forces stated at least 36 fighters were dead (BBC, 5 June 2009). [8ae] Later reports refer to 123 people killed, 120 combatants and three civilians. (Garowe, 7 June 2009) [35bc] The leader of Hisbul Ismailiyya, Sheikh Aweys, was not killed or wounded in the fighting around Webho, central Somalia, as first reported on 7 June 2009. (BBC, 9 June 2009) [8ag]

See [Freedom of religion](#)

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Southern Somalia, Gedo region

- 8.21 The BBC reported on 19 August 2009 that two towns had been taken from al Shabaab by TFG forces and local Islamist militia groups (principally the Ahlu Sunna) in mid-August 2009. [8d] On 19 August 2009, the town of Luq was taken by TFG forces; on 17 August, Bulo Hawo was taken without a fight by Ahlu Sunna. [8d]

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Mogadishu

- 8.22 The general security situation in Mogadishu was in flux for the latter part of 2008 and early 2009; for information about the period February 2007 to January 2009, see History, [Ethiopian forces' occupation, February 2007 to January 2009](#)
- 8.23 From January to early May 2009, the level of violence lessened after the turmoil of 2007 and 2008 until 7 May when conflict broke out again. (UN Security Council report, 20 July 2009) [3g] (p3, paragraph 7) A battle on 15 July was held by analysts to be a turning point in favour of the TFG: 51 people were killed and 212 injured in the fighting, with the TFG gaining ground in northern Mogadishu. (IRIN News, 15 July 2009) [10d] The routing of al Shabaab occurred despite the Islamists having strengthened their forces from elsewhere in Somalia. (Shabelle Media, 14 July 2009) [37i] The period after mid July 2009 was marked by a general stalemate, punctuated with incidents such as the 20 civilians killed by TFG forces' mortaring of insurgents in residential areas (BBC news, 5 July 2009) [8ap] and the 20 people killed in heavy fighting after insurgents launched an attack on TFG and African Union bases in the south of the city. (BBC news, 21 August 2009) [8v]
- 8.24 A donor conference, co-chaired by the African Union and the UN, was held in Brussels on 23 April 2009, with the intent to raise funds for Somalia from the International Community. (IRIN, 23 April 2009) [10bc] The IRIN article stated:
- “According to a media summary by the UN Political Office for Somalia (UNPOS), the conference’s purpose is to solicit funds to support Somali security institutions and the AU Mission in Somalia (AMISOM). The total cost of the Somali security institutions is estimated at US\$31 million for 12 months for 16,000 security personnel. The total requirement for 12 months for the 4,300 AMISOM forces is about \$134 million.” [10bc]
- 8.25 The UN Security Council report of 20 July 2009 summarised the general security situation in Mogadishu as:

“The situation remains fluid. Insurgents have conducted repeated attacks on

Villa Somalia and other strategic positions, such as the K4 junction and the seaport. The Transitional Federal Government, supported by AMISOM, currently remains in control of the strategic southern districts of Mogadishu as well as the airport and seaport. On 7 May, a group of insurgents launched an attack on the presidential palace. Outnumbered Government forces succeeded in repelling the attack. A few days later, Government forces launched their first counter-attack in several months, in which they dislodged the insurgents from a number of strategic locations in Mogadishu. The insurgents launched yet another attack on 19 June, which the Government forces again successfully repelled.” [3g](p2-3, paragraph 7)

- 8.26 On 7 July 2009, CNN reported that: “Neighborhoods affected by the fighting include Kaaran, Shibis, Shangaani and Boondheere in North Mogadishu. These areas have hitherto been islands of peace, escaping much of the conflict and destruction. Many residents are fleeing their homes for the first time since the start of the Somali civil war in 1991.” [50c]

See [Recent developments, Mogadishu](#)

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Somaliland and Puntland

- 8.27 The UNSC Report, 14 March 2008, on the fact-finding team’s findings in the northern parts of Somalia, January 2008, stated:

“Security in the north of Somalia remains fragile, but the situation there is relatively better than in southern and central Somalia. The fact-finding mission attempted to visit Hargeysa in ‘Somaliland’ but was prevented from doing so by security concerns caused by a political rally. ‘Somaliland’ and ‘Puntland’ continue to dispute their border in the Sool and Sanag regions, centred on the city of Laascaanood. This issue is related to the administrative border that allocates the region to Somaliland, although the people who live in the area belong to the Darod-Dolbohanta clan of ‘Puntland’. The state identity of these two lands will require careful consideration in any future Somali federation. Although ‘Somaliland’ has officially indicated its desire to secede from Somalia, no country has recognized it as a separate State. The self-declared autonomous State of ‘Puntland’ has stated its desire to remain a part of Somalia as an autonomous region, but it has significant security problems, including piracy and kidnapping, as well as the border dispute with ‘Somaliland’.” [3d] (p28)

- 8.28 OCHA, in its *Humanitarian Overview* dated January 2008, gave further details of the Sool and Sanag clashes, stating:

“[Clashes and troop movements] raised fears that another outbreak of fierce fighting was imminent and triggered minor new displacements. In response to the some armed clashes in Dhansabar, people started to move again from Laas Caanood. In addition to a possible new influx of IDPs, water shortage in many parts of Puntland is becoming a major humanitarian issue. The water situation in Galgaduud is becoming more serious due to the poor Deyr rains and drought is a threat in areas in the north from Hiraan to Mudug. In Buhoodle (Togdheer region), for example, meager water resources for the population are now having to be further stretched due to the influx of IDPs from Laas Caanood.” [26f]

- 8.29 The International Crisis Group, in the report *The Trouble with Puntland*, published on 12 August 2009, while discussing the tension over Sool and Sanaag, stated:

“A similar dynamic is developing in Mudug, the central region of which is inhabited by non-Darood clans, principally the Sa’ad sub-clan of the Habar Gedir (part of the Hawiye clan grouping). It is unclear where a definitive Puntland border might be drawn, but the de facto border runs through main town, Galkacyo, which is divided into two clan sectors – the north for the Majerten, the south for the Sa’ad. Clan militias have clashed repeatedly in and around Galkacyo in the past five years.” [24b](p10)

- 8.30 IRIN reported on 8 April 2009 a second bout of inter-clan fighting in the mid-west Satiile area in Gabiiley region of Somaliland. It followed clashes in late February 2009 between the Reer Hared and the Reer Nour. [10ag]

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POLICE AND SECURITY FORCES

MOGADISHU, SOUTHERN AND CENTRAL SOMALIA

Transitional Federal Government (TFG)

- 8.31 The UNSG Report March 2009 observed that: “At present, the internationally supported Somali Police Force consists of 2,770 police officers of the Transitional Federal Government trained under the UNDP Rule of Law and Security Programme.” [3f] (p8,s.41) The report also stated that in 2008, the force was paid only intermittently but in 2009 payments improved, and that AMISOM police are “assisting with the monitoring, mentoring, and advising trained officers who are still in service.” [3f] (p8,s.41)

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TFG forces

- 8.32 The US State Department in its Background Note of August 2009 stated: “The TFG and other various groups throughout Somalia are estimated to control militias ranging in strength from hundreds to thousands. Some groups possess limited inventories of older armored vehicles and other heavy weapons, and small arms are prevalent throughout Somalia.” [2d] (Defence)
- 8.33 Amnesty International in its report, *Routinely targeted*, 1 June 2008, stated: “Amnesty International received multiple reports indicating that among all parties to the conflict, the conduct of TFG forces had, until mid to late 2007, been widely perceived as comparatively more aggressive toward civilians, unprofessional, and prone to theft and looting.” [6b] (p8) The AI report adds: “No one is being held accountable for human rights and international humanitarian law violations committed by TFG forces. Forces of the TFG are frequently reported to act as if they believe they are immune from accountability, investigation or prosecution, including for crimes under international law.” [6b] (p9-10)

- 8.34 The Human Rights Watch report, *So much to fear*, published in December 2008, noted: “Many of the abuses documented by Human Rights Watch took place in the context of search-and-seizure operations in residential areas that TFG forces have carried out regularly since the beginning of 2007.” [30c] (p47) The report added that since mid-2008, the Ethiopian forces were involved or directing such raids. [30c] (p47) The report stated that both forces have used such raids as opportunities for rape, murder, assault [30c] (p48-50) and looting. [30c] (p50-52)
- 8.35 The US State Department *Report on Human Rights Practices, 2008* (USSD report for 2008) stated:
- “The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial links to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment.” [2a] (Role of the Police and Security Apparatus)

TFG forces – February 2009 onwards

- 8.36 The TFG forces that existed before the January 2009 elections were merged with insurgent forces loyal to newly elected President Sheikh Sharif. A civil society source reportedly said that there existed “suspicion and mistrust” between the two groups. The former insurgent forces made up the backbone of government security forces. (IRIN, 10 April 2009) [10af] Omar Hashi, the [then] Minister of Security, was reported stating that security and stability in Mogadishu was his first priority, moving out into other parts of the country later. [10af]
- 8.37 In late May 2009, 600 troops of the current TFG forces were deployed to Mogadishu airport. (BBC, 26 May 2009) [8ad]
- 8.38 On 29 August 2009, Garowe Online reported that a TFG spokesman stated that AMISOM was to begin training police recruits in Mogadishu. [35bk] Also announced on 29 August 2009, the BBC reported that the European Union was to send a planning team to begin organising and training Somali security forces to tackle pirate bases along the Somali coast. [8ak]

See [AMISOM](#)

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African Union Mission to Somalia (AMISOM)

- 8.39 AMISOM was set up by the UN Security Council under UNSC Resolution 1744, authorised in February 2007, with the intention of providing a ‘peace-support’ force of 8,000 troops drawn from African Union member states. (Amnesty International, *Routinely targeted*, 1 June 2008) [6b] (p5,6). To date (June 2009), 4,200 troops from Burundi and Ugandan battalions are

deployed in Mogadishu. The UN reiterated on 22 April 2009 that the UN would not deploy a peacekeeping force in place of AMISOM. [8m] The UN Security Council has decided to authorise the AMISOM mandate up to 31 January 2010. [3i]

- 8.40 The UK FFM July 2007 noted that: "There was some discrepancy [amongst sources] as to whether the AU could be classed as a fifth security force on the streets." [7f] (p14) Amnesty International added in a report dated 1 June 2008: "Due to a severe lack of capacity, the AMISOM mission has been limited to providing VIP escort 'confidence-building patrols' within its area of operations, protection of the Mogadishu airport, seaport and Villa Somalia (presidential office), and providing some security during the National Reconciliation Congress (NRC) [July 2007]. It has neither the mandate nor the capacity to protect civilians in Somalia." [6b] (p6)
- 8.41 The UNSG Report March 2009 noted the continuing attacks on AMISOM in 2009, particularly the incident of 22 February 2009 that left 11 Burundian soldiers dead. The report added: "The AMISOM positions at the seaport and airport [in Mogadishu] remain highly vulnerable to mortar fire from surrounding elevated areas, which presents a considerable risk for the Mission's supply line." [3f] (point 20, p4)
- 8.42 A Writenet report of April 2009, commissioned by the UNHCR, *Somalia: a national and regional disaster?*, written by Ken Menkhaus, stated that: "One of the most important roles AMISOM plays at present is controlling key installations such as the Mogadishu seaport and airport. Were AMISOM to withdraw, these would almost certainly become sites over which heavy fighting would break out, posing a risk to the TFG, the capital, and the flow of commerce and food aid into the country." (p13) The same report noted that: "There were fears in late 2008 that AMISOM forces would not be able to maintain their positions in Mogadishu with the final withdrawal of Ethiopian forces. Despite numerous insurgency attacks on AMISOM, however, they have been able to hold their own." [21a] (p13)
- 8.43 On 30 July 2008, the BBC reported that a report by the United Nations monitoring group on the Somali arms embargo cited incidents of African Union troops based in Mogadishu selling seized arms back to Islamist insurgents. [8o]
- 8.44 The Report of the Secretary-General to the UN Security Council on the situation in Somalia, dated 20 July 2009, noted that AMISOM's role had moved to a new stage of involvement:

"Meanwhile, AMISOM has initiated the deployment of its police component with the arrival of its Police Commissioner in Mogadishu on 18 June. The police component also includes a leadership team of six officers. A total of 89 police personnel, including trainers, advisors and mentors, have been recruited (out of the mandated 270) and will be deployed to Mogadishu to commence the crucial task of training the 10,000 members of the all-inclusive Somalia Police Force in line with the Djibouti agreement. The police training task force led jointly by the United Nations Development Programme (UNDP) and AMISOM, which reports to the UNPOS-led security sector technical working group, is developing a UNDPAMISOM programme of training, mentoring and advice for the Somali police." [3g](p4-5, paragraph 16)

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Ethiopian forces

- 8.45 The Ethiopian forces withdrew entirely from Mogadishu on 13 January 2009, and from Somalia on 25 January 2009. (Garowe, 25 January 2009) [35g]
- 8.46 Details of abuses linked with the Ethiopian forces were set out by Amnesty International in their report dated 1 June 2008, *Routinely targeted: attacks on civilians in Somalia*. [6b]

See [Extrajudicial killings](#)

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SOMALILAND

- 8.47 The US State Department *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008), released on 25 February 2009, stated: “In Somaliland an estimated 60 percent of the budget was allocated to maintaining a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.” [2a] (Role of the Police and Security Apparatus)

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PUNTLAND

- 8.48 The International Crisis Group issued a report entitled *The trouble with Puntland* on 12 August 2009 that gives a summary of the security services in Puntland:

“On the establishment of Puntland, a new police force, intelligence service and army were created, the bulk of whose members were ex-SSDF guerrillas loyal to Yusuf. By 2001, the most powerful state institution – arguably more so than the presidency – was the U.S.-backed intelligence service, the PIS. It accumulated extensive authority and acted with impunity, targeting perceived enemies and routinely using torture to extract information. Ethiopian Ogadeni and Oromo rebels seeking temporary refuge and Islamist militants were often arbitrarily ‘rendered’ to Ethiopia.

“The Islamists were particularly targeted following suicide attacks in Hargeysa and Boosaaso in late 2008. Suspected Islamist militants with alleged links to the powerful Al-Shabaab movement in the south were rounded up and detained. The arrests and renditions further eroded public support for the regime, which became increasingly dependent on the PIS for survival. A disproportionate share of the \$20-million public budget was routinely allocated to the service, even as thousands of police and soldiers went for months without salary.

“Lack of pay, allegations of clan bias, favouritism and cronyism caused morale to plummet in the security and justice sectors. This in turn intensified inter-agency friction at a time when crime syndicates were beginning to overwhelm the state’s weak law enforcement machinery. Many in the police force could not resist the lure of easy money from crime barons. The authorities were sluggish in tackling these problems, and their remedial measures, including arbitrary dismissals and transfers of officials, often were half-hearted and cosmetic. The net result of attempts to clean up the police was minimal, and the problem of corruption was left to fester.” [24b](p7)

8.49 The USSD report for 2008 stated:

“On January 27 [2008], Puntland military elements stormed the Puntland Central Bank in Garowe, blocked all vehicular and pedestrian routes, and held employees hostage to protest several months of unpaid salaries. After approximately one hour, the military dispersed after negotiations with Puntland authorities. The Puntland police force has never been paid on a regular basis, and the armed militia was not aligned with the Somali National Army. [2a] (Role of the Police and Security Apparatus)

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TORTURE

8.50 The USSD report for 2008 stated:

“The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture ‘unless sentenced by Islamic Shari’a courts in accordance with Islamic law.’ However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other and against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied with the TFG, and various clan militias across the country tortured and abused detainees. Unlike previous years, there were no reports of public floggings by persons affiliated with the TFG ... There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2007 or 2006. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.” [2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

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EXTRAJUDICIAL KILLINGS

8.51 The USSD report for 2008 stated:

“The government [TFG] summarily executed persons during the year. For example, on January 13, a firing squad executed Hussein Mohamed, a government security officer, for killing a woman. On March 31, authorities in the semiautonomous region of Puntland executed Jamal Jabir after local courts convicted him of murdering Said Shire six days earlier. Clan elders did not allow Jabir to present a full defense in his case.” [2a] (Arbitrary or Unlawful Deprivation of Life)

- 8.52 Amnesty International, in its report, *Routinely targeted*, 1 June 2008, stated: "There was a marked increase in reported extrajudicial executions of civilians by Ethiopian soldiers in November and December 2007." [6b] (p10) The AI report continued that the Ethiopian troops were disproportionate in their reaction to attacks; practiced killing by the slitting of throats; and used snipers in residential areas. [6b] (p10-11, *pace* 11-13) OCHA, in its monthly analysis report (November 2007), had previously noted such activities:

"The TFG and Ethiopian forces have been carrying out security operations including house-to-house searches and arbitrary arrests, instilling fear amongst the population with summary executions reported during these operations. Allegations of rounding up and executing civilians including slitting throats of men following attacks on their forces as collective punishment have been reported." [26i]

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9. ABUSES BY NON-GOVERNMENT ARMED FORCES

OVERVIEW OF ARMED GROUPS

- 9.01 Jane's observed in its Sentinel Country Risk Assessment, Somalia, section on security updated on 15 July 2009 that:

"Somalia remains very unstable and prone to terrorist and insurgent attack as a variety of ethnic, political and religious factions compete for influence. The Union of Islamic Courts (UIC; later renamed the Supreme Council of Islamic Courts: SCIC) was removed from power in December 2006 by TFG and Ethiopian troops but its members went on to dominate the Alliance for the Re-Liberation of Somalia (ARS), a larger umbrella organisation of opposition groups created in Asmara, Eritrea in September 2007, which has forces on the ground in Somalia and is one of the groups fighting for control of Mogadishu. Militant Islamist elements that operated within the SCIC have organised themselves into the Shabab militia which succeeded in the second half of 2008 in taking control of large areas of south and central Somalia...since the beginning of 2009, a pro-TFG alliance of convenience representing a wide variety of actors and interests, and operating under the umbrella name of Ahlu Sunna wal Jamaa has emerged as a serious counterweight to further militant Islamist expansion." [61b]

- 9.02 Following the Ethiopian withdrawal, the elements loyal to President Sharif Ahmed have integrated into and control the remaining TFG forces. Non-government armed forces have thus changed, with Al Shabaab the main insurgent force. Ken Menkhaus in his Writenet report of April 2009, commissioned by the UNHCR, *Somalia: a national and regional disaster?* summarised the security situation:

"Somalia is replete with violent non-state actors operating either independently of the TFG or in a very loose affiliation with it. Most clans can muster a militia at short notice; most businesses possess private security forces; some municipal and regional polities possess paid security forces; and armed criminal gangs are ubiquitous and now include pirates.

"As of early 2009, only one category of armed group is actively opposing the TFG, the collection of Islamist movements which in late 2008 agreed to form a loose coalition known as Hizbul Islamiyya, an alliance on paper which failed to survive even three months before falling apart. No clan-based militias openly oppose the government, though several militia leaders with a past reputation as spoilers (or 'warlords') have regrouped inside Ethiopia and have the potential to re-emerge in Somali affairs.

"Of the several Islamist militias in the now defunct Hizbul Islamiyya coalition, [a] Shabaab, Ras Kamboni, and Jebiso are the most powerful, and of these Shabaab is clearly the strongest." [21a] (p10)

- 9.03 Menkhaus also wrote concerning "the now defunct Hizbul Islamiyya coalition" that:

"For the moment, however, the dominance of Sharif's political wing in the new TFG has not triggered forceful negative responses from other movements, with one major exception – the coalition of hardline Islamist

insurgents now calling themselves Hizbul Islamiyya, or Islamic Party. This coalition, however, fell apart in March 2009 over leadership and other disputes; at the time this report was finalized it was unclear if Hizbul Islamiyya would continue to exist.” [21a] (p8)

9.04 However, on 30 April 2009 Sheikh Aweys, leader of the ARS-Asmara faction, returned to Mogadishu (Garowe, 23 April 2009) [35ar], rebuffed overtures from President Sharif and was elected leader of Hisbul on 26 May 2009 (Garowe, 26 May 2009) [35ap]

9.05 The International Crisis Group report of 23 December 2008, *Somalia: to move beyond the failed state*, set out three main groups, in detail, amongst the insurgents. [24a] (p11) The three are:

- Al Shabaab (“the Youth”), with roughly three main operational groups based respectively in Mogadishu and Galguduud/Hiran; in Bay/Bakool/Shabelle; and in the Juba area. [24a] (p11) Al Shabaab are the most active in terms of recruitment (through pay of US\$200 per fighter per month, and ideological recruitment through halqah – mosque study groups); [24a] (p11, 12)
- the multi-clan group of former Union of Islamic Courts (UIC) leaders who style themselves as ‘Al-Muqawamah’ (the Resistance), “... nominally loyal to the executive leadership under Sheikh Sharif Sheikh Ahmed and with an appeal to nationalist groups who dislike Ethiopia’s intervention and are wary of Al-Shabaab’s more militant tendencies”; and [24a] (p11)
- clan militia mainly from the Hawiye clan, “the bulk of whose fighters in Mogadishu now come from the Habar Gidir clans.” [24a] (p11)

9.06 IRIN News reported on the factions fighting in Somalia on 2 September 2009. They set out the non-government forces as:

- Al Shabaab, who are considered to be the “main threat” to the TFG and are “reportedly led by a shadowy figure who goes by the name of Abu Zubeyr. His real name, according to Somali sources, is Ahmed Godane”.
- Hisbul Islam “is also fighting the TFG” but is “inward-looking and concerned with local rather than international issues”. They are “reportedly supported by Eritrea, a charge Eritrea consistently denies”.
- Ahlu Sunna Waljama “is a Sufi sect, regarded as more moderate in its interpretation of Islam than Al-Shabab. It joined the fighting in late December 2008, dislodging Al-Shabab from the towns of Guri-Eil and Dusamareb in Galgaduud region.” There are two branches, the first “formed by Sufi clerics” and supported by Ethiopia. The second is led by “former warlords” and operates in the “Gedo, Bay and Bakol regions”. [10bg]

Al Shabaab

9.07 The LandInfo report, *Conflict, security and clan protection in South Somalia*, 12 November 2008, noted characteristic differences between the UIC and Al Shabaab groups. It notes that UIC groups are held to have clear command lines, recruiting from mainly Hawiye clan groups of the relatively settled population, and [then] commanding a larger popular support; whereas al Shabaab operated on a cell structure, recruiting from IDP populations, with a greater consistency in paying its fighters. [45d] (p19, s.4 – 4.1)

- 9.08 The Report of the Secretary-General [to the UN Security Council] on the situation in Somalia, dated 20 July 2009, summarised al Shabaab [and other Islamist insurgent forces'] tactics as:

"Insurgent groups, such as Al-Shabaab, are alleged to be extorting money from private companies and recruiting young people to join the fight against the Government in Mogadishu, including child soldiers. Al-Shabaab has confirmed the presence of foreign fighters within its ranks and has stated openly that it is working with Al-Qaida in Mogadishu to remove the Government of Somalia. The foreign fighters, many of whom reportedly originate from Pakistan and Afghanistan, appear to be well trained and battle-tested. They have been observed wearing hoods, directing offensive operations against Government forces in Mogadishu and neighbouring regions. Al-Shabaab has intensified its strategy to coerce and intimidate the Somali population, as reflected in the carefully selected 'high gain' assassinations and arrests of clan elders, several of whom have been murdered. On 19 June, Omar Hashi Aden, the Minister of National Security, was killed in a large-scale suicide car bomb in Beletwyne. Over 30 other people were killed in the attack, which was strongly condemned by the international community and a broad cross-section of Somali society." [3g](p3, paragraphs 10-11)

See [Latest News](#)

Clan-based militias

- 9.09 The Joint UK-Nordic Fact-Finding Mission Report of January 2004 (JFFMR March 2004) has previously noted that there were three types of militia operating in Somalia at that time: those that were supported and run by the business community; those that are controlled by warlords; and freelance militias. The basis for recruitment into all three was clan affiliation. [7c] (p31) According to the JFFMR July 2002, Musa Sude was the only faction leader who could effectively raise and maintain a militia. Musa Sude achieved this and thus retained the loyalty of his militia by distributing money fairly equitably across his forces. Ali 'Ato' and Hussein Aideed had militias that fought for them but they had to provide for themselves on a day-to-day basis. [7b] (p36)
- 9.10 The US State Department report on human rights in Somalia for 2008 stated that "larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings". [2a] (Introduction)

ABUSES BY ARMED GROUPS

- 9.11 The USSD report for 2008 reported:

"Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, in February [2008] at least 20 persons were killed and 100 others injured after two successive explosions in the port city of Bossaso, Puntland. Many of the victims were Ethiopians believed to be on their way to Yemen and other countries on the Arabian Peninsula. Some reports suggest they were targeted because of 'sinful' behavior. Puntland police arrested six suspects linked to the explosion who

were released after several months without trial. Also on February 17 [2008], at least four persons were injured when armed extremist groups simultaneously attacked four cinemas in Mogadishu that were screening a sports match. In another February incident, militia associated with Hassan al-Turki killed a teenager and injured three others for sitting in a tea shop in Doblay where music was being played. On April 13 [2008], an assailant lobbed a grenade at a cinema in Merka, killing five persons, including three children, and wounding 18 others. Also in April [2008] in Hudur, al-Shabaab militia shut down cinemas, burnt down khat stores, forcefully shaved the heads of persons they accused of wearing inappropriate hairstyles, and imposed a ban on smoking and music.” [2a] (Arbitrary or Unlawful Deprivation of Life)

9.12 The USSD report for 2008 stated:

“Politically motivated killings by antigovernment groups, extremist elements, and terrorist organizations resulted in the deaths of approximately 20 senior TFG officials.

“Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peace-building. There were no confirmed reports of government involvement in these killings, but the government neither identified nor punished the perpetrators. On March 10 [2008], two unidentified gunmen killed Sheikh Muhammad Ahmed ‘Kashka’, a prominent cleric and peace activist as he left a mosque in Mogadishu. Sheikh Ahmed’s killing immediately followed his sermon condemning groups behind assassinations of TFG officials. On June 22 [2008], unknown gunmen assassinated Mohamed Hassan Kulmiye, director of the central office of the Center for Research and Dialogue (CRD) in Beletweyn. Kulmiye was leading a foreign government-funded dialogue and was reportedly targeted for his work. As in all previous killings of peace activists, the perpetrators were not arrested by year’s end.” [2a] (Arbitrary or Unlawful Deprivation of Life)

See [Kismayo](#)

9.13 With regard to activities of Al-Shabaab, the US State Department *Country Reports on Terrorism 2009*, released on 30 April 2009, observed that:

“Al-Shabaab is the militant wing of the former Somali Islamic Courts Council that took over most of southern Somalia in the second half of 2006. In December 2006 and January 2007, Somali government and Ethiopian forces routed the Islamic Court militias in a two-week war. Since the end of 2006, al-Shabaab and disparate clan militias led a violent insurgency, using guerrilla warfare and terrorist tactics against the Ethiopian presence in Somalia and the Transitional Federal Government of Somalia, and the African Union Mission in Somalia (AMISOM) peacekeepers... Al-Shabaab has used intimidation and violence to undermine the Somali government and regularly kills activists working to bring about peace through political dialogue and reconciliation. The group has claimed responsibility for several high profile bombings and shootings in Mogadishu targeting Ethiopian troops and Somali government officials. It has been responsible for the assassination of numerous civil society figures, government officials, and journalists. Al-Shabaab fighters or those who have claimed allegiance to the group have also conducted violent attacks and targeted assassinations

against international aid workers and nongovernmental aid organizations.”
[2e] (Chapter 6: Terrorist organisations)

9.14 Al-Shabaab has also been responsible for attacks during 2009. AMISOM is targeted: Garowe Online Media reported that on 24 January 2009, 13 people were killed in an explosion and attendant street fighting in Mogadishu, after a suicide bombing at an AMISOM checkpoint along the Maka al Mukarrama Road. Al Shabaab claimed responsibility. **[35o]** Rival UIC group commanders are targeted: Garowe reported the assassination of a senior UIC commander in Mogadishu on 21 April 2009 with Al Shabaab strongly suspected. **[35am]** Clan elders are also targeted: the Hawiye Tradition and Unity Council told reporters on 14 April 2009 that Al Shabaab had sent death threats to them. **[35ar]** Al Shabaab have also claimed responsibility for a suicide car bomb attack on the African Union peacekeeping base in Mogadishu on 17 September 2009. (BBC news, 17 September 2009) **[8aw]**

9.15 There were also incidents of abuses as a result of inter-clan rivalry. The USSD report for 2008 noted:

“During the year hundreds of civilians were killed in inter- or intraclan militia clashes. The killings resulted from clan militias fighting for political power and control of territory and resources; revenge attacks; criminal activities and banditry; private disputes over property and marriage; and vendettas after such incidents as rapes, family disagreements, killings, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.” **[2a] (Arbitrary or Unlawful Deprivation of Life)**

9.16 The USSD report for 2008 continued on the issue of clan violence, giving the examples of 18 March 2008 between Sa’ad and Dir in Galkayo (10 dead, 20 injured); 11 April 2008 between two Abgaal subclans in the Middle Shabelle region (15 dead); 14 May 2008 between Biyamal and Somali Bantu in Jamaame (10 dead, 20 injured); in June 2008, between the Gadhweyn and Warsangeli subclans in Erigavo in the disputed Sanaag region (600 displaced); in August 2008, between the Marehan and Majerten over control of Kismayo (100 dead, 300 injured). “In September [2008] Darood and Hawiye subclans in Galkayo exchanged captives and vehicles seized from each other in earlier conflicts.” **[2a] (Arbitrary or Unlawful Deprivation of Life)**

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Kismaayo

9.17 The town has been dominated by an inter-clan conflict since 2006. The conflict had been characterised by roadblocks around Kismayo which had limited access for observers since mid-2006; it has been a dangerous place for international agencies to work in, with a UN national staff member abducted in Kismayo, and three fatalities from a roadside bomb prompting Médecins sans Frontières to withdraw its international staff from southern Somalia. (UNSC report, 14 March 2008) **[3d] (p29-30)** The first observers to break the cordon were of the 7–25 January UN fact-finding team who “met Government officials representing an alliance of clans”. **[3d] (p29)** Garowe Online, on 23 May 2008, then gave detail about Kismayo’s changing power structure: “Islamist rebels spearheading a bloody insurgency against Somalia’s UN-endorsed Transitional Federal Government (TFG) have

entered into a secretive agreement with the clan militia ruling the southern port of Kismayo, reliable local sources tell Garowe Online. Earlier this week [late May 2008], Kismayo's ruling clan militia leaders met secretly with guerrilla commanders loyal to the Islamic Courts and al Shabaab, splinter groups within Somalia's fractured Islamist movement." [35f]

See [Checkpoints on roadblocks around Kismayo](#) and [Security in Central and Southern Somalia](#), [IDPs](#)

- 9.18 Clan-based militias were ousted by Islamist groups in Kismayo and a new administration was set up with a clan/Islamist mix. The nightly curfew was lifted on 14 September 2008, but night patrols by Islamists would continue. (Shabelle Media Network, 14 September 2008) [37f]
- 9.19 The ICG report of December 2008 notes that the Juba group of Al Shabaab, known as 'Khalid Ibn Walid', was formed in late 2007 and "instrumental in the capture of Kismayo in September 2008." [24a] (p11)
- 9.20 Kismayo was the scene of increased hostility between Al Shabaab and Hizbul-Islam during September 2008, culminating in fighting between the groups, and the withdrawal of Hizbul-Islam from the city. [8az]

See also [Latest News](#) and the section on the [Security situation](#).

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10. JUDICIARY

- 10.01 The US State Department's *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008), dated 25 February 2009 noted:

"The TFC [Transitional Federal Charter] provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1960 constitution that was in force prior to the 1991 collapse of the Barre regime; however, for many issues not addressed in the charter, the former constitution still applies in principle.

"The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, in practice no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government. ... Clans and subclans frequently used traditional justice, which was swift. For example, in March a militia leader was publicly executed in Kismayo for killing another militia member in Jilib. Traditional judgments sometimes held entire opposing clans or subclans responsible for alleged violations by individuals." [2a] (Denial of Fair Public Trial)

- 10.02 As noted in the US State Department's *International Religious Freedom Report, Somalia*, released on 14 September 2008 (USSD IRF 2008): "The judiciary in most regions relies on some combination of Shari'a, traditional and customary law (*Xeer*), and the penal code of the pre-1991 Siad Barre government." [2b] (Legal/Policy Framework)

CENTRAL AND SOUTHERN SOMALIA

Shari'a Law

- 10.03 Since President Sharif Ahmed's election, Shari'a law has been recommended by the Government and its advisers as the future legal basis of government in Somalia. On 18 April 2009, the Cabinet formally approved a motion that Shari'a be adopted, and it was carried through and ratified by the Parliament. (Garowe, 18 April 2009) [35ag]
- 10.04 Garowe Online also reported on 18 April 2009 that: "Islamist rebel factions Al Shabaab and Hizbul Islam have previously refused to accept Shari'ah law if passed by the Somali government, arguing that the law would not be implemented according to their particular version. But neither group has spoken publicly since the vote." [35ag] A Garowe article of 19 April 2009 reported on a demonstration of support in the stadium in Mogadishu, at which a government minister thanked Hizbul for supporting the motion. [35ai] The President approved the bill on May 2009, and Shari'a was established as the judicial base in Somalia. [35ai]
- 10.05 Garowe Online reported Islamic courts set up in Jowhar on 1 June 2008 [35i] and in Bullo Burte, Hiran, central Somalia on 31 August 2008. [35t] The BBC reported on 20 May 2009 that in Kismayo, in early May 2009, there was an amputation as punishment for stealing; it was the second reported

amputation. There have also been reports of executions including by stoning and public floggings meted out by the local Shari'a courts. [8b]

See Union of Islamic Courts

10.06 The BBC reported that Al Shabaab amputated a hand and a foot from four men accused of theft in Mogadishu on 25 June 2009. In a separate incident, an unofficial Al Shabaab court in Wanlaweyn convicted a man accused of raping and murdering a woman; he was stoned to death before a large crowd. [8ao]

10.07 The Report of the Secretary-General to the UN Security Council on the situation in Somalia, dated 20 July 2009, stated,

“In parts of south-central Somalia, extreme interpretations of sharia law by the insurgent groups have led to allegations of grave violations of the right to life and physical integrity. Summary executions, including beheadings, floggings, amputations, arbitrary arrests, restrictions on freedom of movement and violations of women’s rights have been reported. Observers are concerned by reports of what seem to be limitations on the right to freedom of assembly and expression. Journalists are reported to have effectively exercised self-censorship as a result of targeted assassinations.” [3g](p12, paragraph53)

PUNTLAND

10.08 The USSD report for 2008 recorded: “The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. These courts function, though they lack the capacity to provide equal protections under the law.” [2a] (Trial Procedures)

10.09 The Puntland authorities declared in April 2009 that they did not consider the vote in the Somali Parliament on the adoption of Shari'a law to be applicable to Puntland. (Garowe, 20 April 2009) [35ah]

SOMALILAND

10.10 The USSD report for 2008 stated:

“The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the constitution, some of which contradict democratic principles. Functional courts exist though there was a serious lack of trained judges and a shortage of legal documentation to build judicial precedence in Somaliland. Untrained police and other unqualified persons reportedly served as judges. International NGOs reported that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often used to detain and imprison persons without trial.” [2a] (Trial Procedures)

10.11 The Human Rights Watch report of July 2009, *‘Hostages to peace’: threats to human rights and democracy in Somaliland*, stated that Somaliland has a four-tiered court system – District Courts as lower courts, with Regional

Courts, Regional Appellate Courts, and a Supreme Court. [31f](p17) The *Hostages to peace* report noted the power of Security Committees as extra-legal institutions designed for the executive branch of government to bypass the judiciary. [31f](p18) The *Hostages to peace* report stated that “In practice much of the work of the lower courts in criminal justice matters has been usurped by the executive’s Regional Security Committees.” [31f](p17)

- 10.12 The *Hostages to peace* report outlined the deficiencies of the judiciary in terms of resources and competence. [31f](p23-25)

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11. ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 The US State *Department Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008) dated 25 February 2009 noted:

“Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country’s previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained. However, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.” [2a] (Arrest and Detention)

- 11.02 The USSD report for 2008 also stated: “Arbitrary arrest was a problem countrywide.” [2a] (Arrest and Detention)

- 11.03 Human Rights Watch (HRW), in their report *Shell Shocked: Civilians under siege in Mogadishu* dated August 2007, noted that: “TFG security forces committed mass arrests and have mistreated persons in custody.” [30a] The Human Rights Watch report, *So much to fear*, published in December 2008, detailed the human rights abuses of the TFG forces, in terms of arbitrary detention and their use of torture on detainees. [30c] (p52) The report added: “There is no meaningful judicial review of the legality of detentions, both because the police generally make no attempt to charge detainees in court and because the judicial system has collapsed to the point of inutility.” [30c] (p53)

- 11.04 The HRW report, *So much to fear*, December 2008 added that Somali police force officers detain arbitrarily for the purpose of extortion. [30c] (p55-57)

- 11.05 The Human Rights Watch report, *Hostages to peace*, published July 2009, stated that in Somaliland, the legal requirement of bringing detainees before a court within 48 hours is frequently flouted. The report states:

“Police officials regularly flout this requirement and judges do not challenge them. One judge told Human Rights Watch that in minor criminal cases in his jurisdiction the police simply punished defendants by imprisoning them for several days or a week rather than bothering to take them to court, and that he saw nothing wrong with this. As one prominent activist in Hargeisa lamented, ‘The law says within 48 hours you must be brought before a judge—but people sit in police stations for days and weeks without even knowing why they were arrested.’

“When police do bring criminal suspects to court, they frequently and often repeatedly ask the court to recommit the suspects for further custody without producing any evidence against them. The courts acquiesce to these remand requests with such regularity that they effectively allow indefinite detention without charge. A UN official estimated to Human Rights Watch that on average there are between 30 and 40 remand prisoners in each of Somaliland’s six main prisons at any given time—a large proportion of the overall prison population.” [31f](p25-26)

See also sections on the [Security situation](#) and Abuses by [non-government armed forces](#)

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12. PRISON CONDITIONS

- 12.01 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, (USSD report for 2008) noted:

“Prison conditions remained harsh and life threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees’ families and clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.” [2a] (Prison and Detention Center Conditions)

- 12.02 The USSD report for 2008 also noted that: “Prisons were not properly secured and there were several instances when prisoners escaped.” The report gives examples of escapes. [2a] (Prison and Detention Center Conditions)

- 12.03 The Independent Expert appointed by the Secretary-General to report on the situation of human rights in Somalia noted on 17 March 2008, that: “... authorities had been unlawfully detaining people in hidden makeshift prisons, as well as notorious jails such as that reputed to lie underground near the State house, ‘Villa Somalia’ in Mogadishu. There were also allegations that detainees were being held by Ethiopian forces in Somalia.” [4b] The Human Rights Watch report, *So much to fear*, published in December 2008, added more details about the facility near Villa Somalia, locating the prison in the Baarista Hisbiga building: torture is reported to be practised during interrogations. [30c] (p54) The USSD report for 2008 added: “TFG-allied militias, antigovernment groups, extremist elements, warlords, and clan leaders reportedly ran their own detention centers, in which conditions were harsh and guards frequently abused detainees. Human rights organizations and civil society leaders in Mogadishu reported the existence of makeshift detention centers in Mogadishu where prisoners were held during and after episodes of heavy fighting.” [2a] (Prison and Detention Center Conditions)

- 12.04 The USSD report for 2008 also added: “In prisons and detention centers, juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem. Female prisoners were separated from males; however, particularly in south central Somalia, pretrial detainees were not necessarily separated from convicted prisoners.” [2a] (Prison and Detention Center Conditions)

See [Children](#)

- 12.05 On the monitoring of prison conditions, the USSD report for 2008 stated:

“The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the UN Development Program (UNDP) allows for the monitoring of prison conditions. There were no visits by the International Committee of the Red Cross to prisons in Somaliland or in the rest of Somalia during the year, but a Prisons Conditions Management Committee organized by the UNDP and comprised

of medical doctors, government officials, and civil society representatives continued to visit prisons in Somaliland. During the year UNDP managed a program to improve the Somaliland prisons by building new facilities and assisting in training wardens and judicial officials.” [2a] (**Prison and Detention Center Conditions**)

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13. DEATH PENALTY

- 13.01 The death penalty is retained in Somalia. Amnesty International, in its *International Report on Somalia 2009*, published on 28 May 2009, covering events from January to December 2008, noted:

“Death sentences were reportedly carried out by those claiming local authority in Kismayo, including on 22 April when a man accused of murder was executed by shooting. Authorities of al-Shabab factions reportedly unlawfully killed several men accused of murder.

“In Baidoa two men were executed without trial and a third killed in police custody on 26 November following a grenade attack that killed 10 people, including a TFG military officer ... Puntland authorities announced that they would apply the death penalty in cases of piracy in that region, but no executions were reported.” [6a]

- 13.02 Islamist groups have been applying the death penalty, with one incident attracting particular criticism. The UN OCHA situation report of 7 November 2008 stated:

“The Independent Expert on the Situation of Human Rights in Somalia, Dr. Shamsul Bari, and UNICEF condemned the stoning to death of a girl who was charged with adultery. A statement by UNICEF on 4 November, explained that Aisha Duhulow was stoned to death in a stadium full of spectators in Kismayo, Lower Juba region, on 27 October. Reports indicate that she was raped and when she sought protection from authorities, she was accused of adultery and was sentenced to death.” [26x]

- 13.03 Applications in 2009 of the death penalty after sentence by unofficial Shari’a courts include a man at Wanlaweyn accused of rape and murder. (BBC, 25 June 2009) [8ao]

- 13.04 The UN Security Council, in its *Report of the Secretary-General on the situation in Somalia*, 25 June 2007 stated:

“On 3 May [2007], the Transitional Federal Parliament enacted an anti-terrorism bill introduced by the Transitional Federal Government three months earlier, which provides, *inter alia*, for the freezing of property of those suspected of carrying out terrorist acts. It also provides for the death penalty for those convicted of participating in the establishment of a terrorist organization and those carrying out or attempting to carry out terrorist acts. The law raises serious concerns about its direct implications on basic freedom. Close monitoring of its application will be required.” [3c]

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14. POLITICAL AFFILIATION AND EXPRESSION

- 14.01 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, (USSD report for 2008) released on 25 February 2009 noted:

“In the absence of effective governance institutions, citizens could not exercise the right to change their government. The country was governed by an internationally recognized, although unelected, [Transitional Federal Government] TFG with a mandate until 2009 to prepare the country for national elections. Clan leaders operated as de facto rulers in most regions under the nominal control of the TFG. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intraclan groups and political factions, as well as from the perceived central authority of the TFG.” [2a] (Section 3, Respect for political rights)

See Political System, Central and southern Somalia

- 14.02 The Human Rights Watch (HRW) report *‘Hostages to peace’*, published July 2009, stated that in Somaliland, “The Somaliland Government has regularly violated Somalilanders’ rights to free expression and assembly. On at least several occasions the Regional Security Committees have sentenced people to prison terms for protesting government actions.” [31f](p42)

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FREEDOM OF ASSEMBLY AND ASSOCIATION

- 14.03 The USSD report for 2008 observed that:

“The [Transitional Federal Charter] TFC, the Somaliland constitution, and the Puntland Charter provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use of excessive force by security personnel to disperse demonstrators resulted in numerous deaths and injuries ... The TFC provides for freedom of association; however, the TFG did not permit freedom of association during the year. The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

“The Somaliland constitution provides for freedom of association, and this right was generally respected in practice; however, in July 2007 Somaliland authorities arrested three opposition politicians who were planning to form a new political party. These persons were released in December 2007. President Riyale stated that he issued an official pardon; however, their judicial record was not cleared, and the leaders were effectively blocked from participating in the electoral process as candidates for any party.

“Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate.

There were three approved political parties.” [2a] (Section 2b, Freedom of Peaceful Assembly and Association)

- 14.04 The HRW report *‘Hostages to peace’*, published July 2009, stated however that in Somaliland, “The government , through the Ministry of the Interior, has also issued several blanket bans on any kind of political assembly while offering no legal justification for such moves.” [31f](p42)
- 14.05 Protests and demonstrations have occurred spontaneously on occasion in Mogadishu: for instance, there was a demonstration against the Israeli Government’s actions in Gaza on 9 January 2009 (PanAfrican newswire, 12 January 2009) [15a]; a mass demonstration against President Yusef’s attempted sacking of PM Adde Nur on 15 December 2008 (Shabelle Media Network, 15 December 2008) [37e]; and the May 2008 protests at the rise in food prices (Garowe Online, 5 May 2008) [35n] regarding which, the USSD report for 2008 stated: “On May 6 [2008], TFG police killed five demonstrators when thousands marched in the streets of Mogadishu to demonstrate against rising food prices and merchants’ refusal to accept old currency notes.” [2a] (Freedom of Assembly)

See sections on [Political System](#), [Freedom of speech and media](#), and [Puntland elections](#)

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15. FREEDOM OF SPEECH AND MEDIA

- 15.01 The US State Department *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008), published on 25 February 2009, stated:

“The [Transitional Federal Charter] TFC and the Somaliland constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom ‘as long as they respect the law’; however, this right was not respected in practice. Freedom House has classified Somalia as ‘not free’ every year from 1972 to 2008. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship to avoid reprisals.” [2a] (Freedom of Speech and Press)

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MEDIA INSTITUTIONS

Radio

- 15.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2008, dated 3 March 2008, noted:

“Radio is the principal form of mass communication, drawing on the longstanding Somali oral tradition. Political factions or Islamist groups control stations, with Mogadishu being serviced by four stations. In Somaliland, Radio Hargeisa is government-run, as is Radio Gaalcakyo in Puntland. Radio Kismayu began broadcasting in March 2000. The BBC World Service also has a Somali language service broadcast from London and is widely relied on for information.” [17d] (p15)

- 15.03 The USSD report for 2008 stated:

“Most citizens obtained news from foreign radio broadcasts, primarily the BBC’s Somali Service and the Voice of America’s Somali service that transmitted daily Somali-language programs. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least six independent radio stations in Puntland.” [2a] (Freedom of Speech and Press)

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Newspapers

- 15.04 The BBC Country Profile updated on 23 April 2009 reported that there were four main newspaper titles in Mogadishu and three in Somaliland. [8f] (p3) The profile also noted that Somaliland’s third weekly newspaper is produced in the English language. The BBC Country Profile also stated that the authorities in Somaliland operated their own radio station. HornAfrik was well respected as one of Somalia’s main independent radio stations and one of two independent TV stations. [8f?] (p3)

15.05 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2008, 3 March 2008, noted: “Newspapers, many of which are allied to political factions, circulate in most towns. Print runs are small because of antiquated equipment and the inability of the poor population to buy newspapers.” [17d] (p15)

15.06 The USSD report for 2008 stated:

“The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one of the factions. Several of these dailies were nominally independent and published criticism of prominent persons and political leaders.

“There was also one government daily and two English-language weekly newspapers. There were two independent television stations, Hargeisa TV and Hargeisa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland was the government-owned Radio Hargeisa.” [2a] (Freedom of Speech and Press)

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JOURNALISTS

15.07 The Observatory for the Protection of Human Rights Defenders noted in its report *Steadfast in protest*, published on 19 June 2008:

“The parties to the conflict are clearly bent on silencing human rights organisations. In such a situation, independent journalists try to fill the gap by denouncing human rights violations, becoming in turn the subjects of serious exactions. Consequently, most of those responsible for independent media have left the country. For instance, according to the Somalia Press Freedom Observer, eight journalists were killed in 2007, half of them in targeted assassinations carried out by contract killers.” [49a] (p81)

15.08 The USSD report for 2008 stated:

“Opposition elements, many affiliated with the former UIC and other extremists, continued to harass journalists. Journalists reported that antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG but subjected them to opposition threats, and vice versa. In September [2008] the Kismayo administration established rules for journalists, including a requirement to refrain from reporting news that undermines Islamic law.” [2a] (Freedom of Speech and Press)

15.09 The USSD report for 2008 also stated:

“Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior

editors have fled the country due to direct threats from both the TFG security forces and antigovernment groups. Two journalists have been killed in Somalia. In Baidoa and Mogadishu, the TFG continued to enforce strict orders against reporting or photographing ENDF security operations.

“There was one targeted killing of a journalist during the year, compared to eight such killings in 2007. There was also one death due to an attack unrelated to journalism. On January 28, Hassan Kafi Hared, a Somali News Agency employee, was killed when a bomb exploded under a passing vehicle. In June, Nasteh Dahir Farah of the BBC Somali Service was killed in what appeared to be a targeted operation. In addition, Bisharo Mohammed Waays, the last woman in Puntland working openly as a journalist, escaped an assassination attempt in May. There were no arrests in connection with any killings or attempted killings of journalists during the year.” [2a] (Freedom of Speech and Press)

- 15.10 UN Security Council's *Report of the Secretary-General on the situation in Somalia*, 14 March 2008, stated:

“Threats to independent media and journalists based in Somalia have increased. In 2007, eight journalists were killed in southern and central Somalia and 47 media professionals were reportedly arrested in the course of their work. A significant number of journalists have been arbitrarily detained and media outlets are intermittently shut down for allegedly disseminating false and hostile information against the Transitional Government. New regulations were enacted preventing independent media from reporting military operations conducted by the Transitional Federal Government and Ethiopian forces.” [3d] (p10)

- 15.11 The UN Security Council's *Report of the Secretary-General on the situation in Somalia*, 9 March 2009, commented on the situation after the Ethiopian withdrawal/change of Government:

“All parties to the conflict continue to violate freedom of expression. On 1 January, a journalist was shot at point-blank range on the outskirts of Mogadishu, allegedly by a militia with links to senior officials in the Transitional Federal Government. The director of Radio HornAfrik was also shot dead on 3 February on his way to a press conference called by Al-Shabaab. Media outlets were shut down in Kismayo in December 2008. Journalists continue to face intimidation, arbitrary arrest, detention and sentencing without due process.” [3f] (p17, paragraph 84)

- 15.12 Garowe reported that the chief executive of Radio Shabelle, Moqtar Mohamed Hirab, was assassinated in Bakara Market, Mogadishu, on 7 June 2009, by masked gunmen. Militia belonging to Hisbul Islamiya were later suspected of the killing. [35bd]

- 15.13 Reporters Without Borders (RWB) reported in its *Somalia – Annual Report 2008*, published on 13 February 2008:

“The heavy toll for the Somali press reads as follows: Eight dead, four injured, some 50 journalists in exile, and others holed up at home after abandoning their work in fear. To this terrible toll, must be added 53 journalists arrested while doing their job, either in southern Somalia, where

the capital Mogadishu is sited, in semi-autonomous Puntland in the north or in the self-proclaimed state of Somaliland in the north-west.” [14a]

Detention of journalists

- 15.14 The CPJ's (Committee to Protect Journalists), *Attacks on the Press in 2008*, noted:

“Two reporters were killed in the southern port city of Kismayo in 2008, continuing a national pattern of violence against the press that has claimed the lives of nine journalists in two years. At least 21 Somali reporters have gone into exile, according to CPJ data, although the National Union of Somali Journalists estimates that dozens more have fled their homes in fear of reprisals. The risks grew deeper still in 2008 with two kidnappings involving five journalists, three of whom were still being held for ransom in late year.” [12a]

- 15.15 During 2008, the USSD report for 2008 noted that there were incidents of harassment, arrest and detention of journalists throughout Somalia and stated: “Numerous journalists were arrested and detained during the year.” [2a] (Freedom of Speech and Press) The USSD report for 2008 proceeded to give examples of arrests and detentions by the Somaliland authorities; of the Puntland authorities interference with Radio Garowe in November 2008; and of the attacks and kidnappings of foreign journalists throughout Somalia in 2008. [2a] (Freedom of Speech and Press) Amnesty International reported on 11 February 2009 that two journalists had been attacked in Mogadishu, one fatally. [6f] Al Shabaab also arrest and harass journalists, exemplified by the arrest of a Radio Shabelle journalist in April 2009, as reported by Garowe Online on 18 April 2009. [35a]

Further details about incidents involving journalists and media workers can be found on the websites of the [RSF](#) and the [CPJ](#).

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16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 16.01 The US State Department *Country Report on Human Rights Practices, Somalia* (USSD report for 2008), released on 25 February 2009 observed: “A number of domestic and international human rights groups generally operated throughout the country investigating and publishing their findings on human rights cases.” [2a] (Section 4, Governmental Attitude) The same source noted specific examples of aid workers being targeted for assassination, kidnapping and extortion, which it drew from all parts of Somalia:

“Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

“There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP [World Food Programme] and other humanitarian relief shipments during the year [2008].” [2a] (Section 4, Governmental Attitude)

- 16.02 The USSD report for 2008 noted:

“The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women’s NGOs, and other civil society organizations also played a role in promoting intra-clan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

“Somaliland human rights organizations accused authorities of meddling in its internal affairs and promoting conflict among them.” [2a] (Section 4, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

- 16.03 Ken Menkhaus, in the Writenet report *Somalia: a national and regional disaster*, published in April 2009, noted that:

“The past two years of strife have had devastating effects on civil society. Targeted assassinations, threats, and general insecurity forced most of the professional and civic leadership in Mogadishu to flee abroad or to Hargeisa. Civic leaders who had learned to navigate the dangers of life in Somalia through 2006 were unable to cope with the fact that they were being targeted by both sides in the violence, making Mogadishu more unpredictable than at any time since 1992.” [21a] (p9)

- 16.04 On 1 February 2008, Médecins sans Frontières announced that it was withdrawing its entire international staff out of Somalia after three of its workers were killed by a roadside bomb. A statement issued by the

organisation noted that 87 international staff have been withdrawn from 14 projects across Somalia. An article by the *Mail and Guardian Online* (Zambia) explained: "The MSF action comes as Somalia is facing a critical emergency with escalating violence, massive displacement and what the aid group described as 'acute unmet medical needs'. MSF said the majority of the international staff being withdrawn would go to neighbouring Kenya, with no specific date for their return to Somalia." [11c] On 6 July 2008, Osman Ali Ahmed, the head of the UN Development Programme in Somalia, was shot as he left a mosque in Bulohube district, south Mogadishu, and died of his injuries in hospital. (BBC News, 6 July 2008) [8t] On 14 July 2008, the BBC reported that after two fatal incidents in Mogadishu, international aid agencies considered suspending all operations in south and central Somalia and Mogadishu. Foreign aid workers have been targeted in recent months for kidnapping. [8r] Two local MSF workers were kidnapped in central Somalia in April 2009. (BBC, 19 April 2009) [8x]

- 16.05 In October 2008, Amnesty International produced a report on attacks against aid workers, *Fatal Insecurity*, which stated:

"While these assaults are not universal or uniform, it is clear that humanitarian workers no longer enjoy the limited protection they previously held based on their status in the community as impartial distributors of food and emergency services, or as advocates of peace and human rights. These attacks have now become one of the defining features of the conflict in Somalia in 2008, with the significant increase in attacks targeting this group resembling a similar earlier rise in attacks targeting journalists in 2007, as documented in the Amnesty International report 'Journalists under attack' (Index: AFR 52/001/2008, March 2008)." [6d] (p6)

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17. FREEDOM OF RELIGION

- 17.01 The US Commission on International Religious Freedom, *Annual Report 2009*, Somalia chapter, released on 1 May 2009, covering events from May 2008 to April 2009, observed:

“Somalia has not had an effective, central government since 1991. In the absence of the rule of law, freedom of religion or belief, like all other human rights, is circumscribed by insurgents, warlords, self-appointed officials, local authorities, and prevailing societal attitudes. Although Somalis have traditionally practiced a Sufi-influenced version of Islam, radical interpretations of Islam are increasingly manifested. Throughout 2008, al-Shabaab (literally – the Youth in Arabic) increased control over central and southern parts of the country, killed followers of other religions, forcibly implemented a strict interpretation of Islamic law reminiscent of the Taliban, and suppressed practices it deemed un-Islamic. Al-Shabaab has links to al-Qaeda and has been formally designated a foreign terrorist organization by the United States. Reports of non-Muslims and Christian converts being attacked and killed throughout the country arose throughout the reporting period. The Commission places Somalia on its Watch List because of the deteriorating situation for freedom of religion or belief and related human rights and the inability of the Transitional Federal Government (TFG) to limit such abuses and protect religious freedom.” [67a] (p194)

- 17.02 The US State Department's *International Religious Freedom Report 2008* (USSD IRF report 2008), covering the period 1 July 2007 to 30 June 2008, released in September 2008 noted:

“While the Transitional Federal Charter (Charter) provides for religious freedom, there were limits on the extent to which this right was respected in practice.

“The Transitional Federal Government (TFG) generally did not enforce legal restrictions or protections concerning religious freedom. There was no change in the status of respect for religious freedom during the period covered by this report.

“Militia groups, particularly those associated with al-Shabaab and individuals previously affiliated with the Union of Islamic Courts (UIC), at times imposed a strict interpretation of Islam on communities under their control. There were reports that individuals who do not practice Islam were discriminated against and at least four may have been killed because of their religious beliefs.” [2b]

- 17.03 The USSD IRF report 2008 observed that: “Citizens are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a very small, extremely low-profile Christian community, and small numbers of followers of other religions. The number of adherents to strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.” [2b] (Religious Demography)
- 17.04 The USSD *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008), released on 25 February 2009, noted:

“While the TFC provides for religious freedom, this right was widely ignored in practice. The TFG generally did not enforce legal restrictions or protections concerning religious freedom ... There were reports that individuals who did not practice Islam were discriminated against, and at least four nonobservant Somalis may have been killed.

“The TFC, Somaliland constitution, and Puntland Charter establish Islam as the official religion. Somalis are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a very small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The constitution and/or charters governing the various regions provide the right to study and discuss the religion of one's choice. However, the government does not permit freedom of worship. The number of adherents of strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.” [2a] (Section 2c: Freedom of Religion)

17.05 The USSD report for 2008 also observed:

“In Puntland, only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely to schools and mosques espousing Shafi'iyyah.

“In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing. However, on April 13, a militia reportedly affiliated with al-Shabaab killed four Christian teachers at their school in Beledweyne.” [2a] (Section 2c: Freedom of religion)

17.06 Regarding the Sufi traditions of Somalia, the BBC reported that key to the conflict in Webho, central Somalia and tensions elsewhere is the difference between Sufi groups, following an Islam that incorporates a number of local Somali variants, such as veneration of the tombs of Sufi saints, and the Islam interpreted along strict Saudi Arabian-inspired Wahhabi lines, espoused by Al Shabaab and Hisbul, that reject such practices. Since achieving their territorial gains, the hardline Islamists have embarked on a programme of eradication of Sufi shrines. The town of Brava is mentioned as an example where there has been destruction of graves. (BBC, 8 June 2009) [8af] Ahlu Sunnah, a Sufi group based around the town of Dusamareb, has militias that successfully contested al Shabaab in the central region of Somalia. (BBC News, 3 July 2009) [8aq]

17.07 The USSD IRF report 2008 also noted:

“Non-Muslims who practiced their religion openly faced occasional societal harassment. Although not legally prohibited, conversion from Islam to another religion was considered socially unacceptable. Those suspected of

conversion faced harassment or even death from members of their community.

“There was strong societal pressure to respect traditions that reflect the traditional Somali interpretation of Sunni Islam. In April 2008 a worshipper was stabbed in a mosque in Somaliland after two groups clashed in a mosque over differences in interpretation of Islamic beliefs.” [2b] (**Societal Abuses and Discrimination**)

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18. ETHNIC GROUPS

SOMALI CLANS

Overview

18.01 The US State Department's *Country Report on Human Rights Practices 2008* (USSD report for 2008) stated: "More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture." [2a] (National/Racial/Ethnic Minorities)

18.02 The Report of the Joint British, Danish and Dutch Fact-Finding Mission of December 2000 (JFFMR 2000), observed that Somali society is characterised by membership of clan-families. These are sub-divided into clans, and many sub-clans (clan members are classified as ethnic Somali), or minority groups (minority groups are usually defined as those of non-ethnic Somali origin). [7a] (p6-7) The JFFMR December 2000 also noted that the clan structure comprises four major 'noble' clan-families of Darod, Hawiye, Isaaq and Dir [7a] (p7) (The term 'noble' is strongly rejected by Adan Ali Bulle, a Somali genealogist, in a 2005 mapping of the clans [55a]) The JFFMR 2000 also highlighted a major clan group outside the noble clans of the Digil and Mirifle/Rahanweyn, as a group that "seem[s] to take a middle position between a Somali clan and a minority" and in terms of a political entity within the Transitional National Assembly, as an 'Alliance Clans Community'. [7a] (p65) The minority/lower caste clans are summarised by the USSD report for 2008 as:

"Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion." [2a] (National/Racial/Ethnic Minorities)

18.03 The FCO Analyst's report of May 2008 gave a background to the development of the current strata of clans and minorities:

"In the past – especially before the full development of state structures – minority groups would have had some relationship of protection with majority clans. The rise of the modern state (colonial and post-colonial) ostensibly ended the necessity for some of these historical relationships of protection. Some relationships will have endured, others may have lapsed. However, the modern state itself became the active protector and sponsor of some minority groups. Siad Barre's regime in particular, used weak clans or minorities as strategic allies in their government and employed them selectively in the security forces and other government agencies, as reliable and dependant allies. This association has added to the vulnerability of some minority groups and small clans. The situation since the breakdown of state and formal structures of law and order has left most 'minority' groups as second, if not third 'class' citizens. The revival of 'neo-traditional' customs in stateless Somalia, may have led to new agreements between minority

groups and major clans, though these will be precarious and one-sided agreements (i.e. to the advantage of the protecting clan).” [60a] (points 7,8)

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CLANS AND PROTECTION

- 18.04 Any political affiliation was held to generally follow clan lines. (JFFMR 2000) [7a] (p6-7) Menkhaus’ *State collapse and the threat of terrorism*, published in 2003, noted: “In the south of Somalia, local polities have tended to be much less generous to smaller and weaker clans; indeed most local and regional polities in south-central Somalia are associated with clannish hegemony dressed up as formal administration.” [51a] (p23)

- 18.05 SAACID, when conducting the UNHCR IDP household survey in February 2007, stated the reasoning why the surveys avoided designation of clan:

“A word of caution is necessary before dealing with clan affiliation. The issue of clan affiliation in connection with the present IDP profiling is complicated because the clan structure is complex and referred to in varying ways depending on socio-political context and time. The clan structure is often described as having a small number of clan families at the top which branch off into a number of clans, lineages, and smaller socio-political groups as you move down in the system. The clan system is dynamic in the sense that it reflects both political and demographic developments, illustrated by the creation of new offshoots when demanded by circumstances, or, for instance, elevation in status of what used to be a sub-section of a larger clan entity. As this happens over time and in a political environment, there will often be questions as to whether a particular entity is a clan or rather a sub-clan, and whether a particular clan name is associated with one or the other level in the clan structure. Besides, asked about clan and sub-clan affiliation, Somalis can choose different points of entry depending on the context. Given this complexity, the clan data in the present survey are difficult to handle. Respondents may refer to a clan that others would regard as a sub-clan and visa versa. This inconsistency means that data on clan affiliations often can not be treated straightforward if a detailed and ‘fully correct’ picture is desired. However, for the purpose of the present report, no attempt has been made to ‘clean up’ clan data by joining data on clans that might actually refer to the same entity (or one being a sub-section of the other) – clan data are presented as given by the respondents. If more advanced analysis involving clan affiliation is wanted, data cleaning will have to be done first. A majority of 80.4% of the respondents belong to seven clans as given in the table below, and of these the two clans Hawiye and Rahanweyn account for 62.2% of the total. The rest belong to 63 other clans. The full list of 70 clan affiliations can be seen in the Standard Report that also has a list of 329 sub-clans given by the respondents.” [53b]

- 18.06 The Norwegian Country of Origin Center (LandInfo) reported on clan protection in a report dated November 2008, based on research done in Nairobi in March 2007 and June 2008. The report recorded that many factors enter into an individual’s assessment of protection, and that clan protection has declined as a consideration, as security incidents are

indiscriminate. [45d] (p21, s.5.1) In Mogadishu, areas where minorities once lived have been deserted and it is unknown how many minority clan members are left in the city. [45d] (p21, s.3.1.1)

- 18.07 The International Crisis Group (ICG) report of December 2008, *To move beyond the failed state*, also made comments on clan dynamics, saying that many other factors such as business, political, ideological (such as Islamic) interests have eroded strict clan relationships. However, it also stated: “large swathes of the country [are] revert[ing] back to a style of clan government that predates colonialism.” [24a] (p4)

- 18.08 The same ICG report concluded that:

“That clan elders are now targets in the violence sweeping the country is the best indicator that the classical clan system is fraying. Even during the worst of inter-clan feuds, elders had always been respected and played a recognised conflict mediation role, with access to the key players. The apparent erosion of their power does not mean, however, that they no longer wield influence. Part of the crisis in the south stems from the inability, perhaps the unwillingness, to bring them fully into the political decision-making process.” [24a] (p4)

- 18.09 Clan association is distinct from familial association, though clan is developed and cemented by marriage and lineage. Somali words for familial and similar relations include:

aabbe – father	inanka eey walalaha dhaleen – nephew
adeer ama abti – uncle	inankage – son
awoowe – grandfather	inanta eey walalaha dhaleen – niece
ayeeyo – grandmother	jaar – neighbour
cunug – child, baby	jiiran – neighbour
gebartaada – daughter	ninka naagta qaba – husband
habar-yar – aunt	ninka xaaska leh – husband
ina abtida – cousin	qoys – family
ina abtiga – cousin	walaal – brother
ina adeerka – cousin	walaasha – sister
ina adeerta – cousin	walalka – brother
inaantaada – daughter	xaas – family, wife

(Somali to English, Beginning English for Somali speakers) [58a]

- 18.10 The US State Department report for 2008 noted that clan affiliation could be a crucial factor in the experience of a person: “In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.” [2a] (National/Racial/Ethnic Minorities) This position is modified in a longer explanation of the role of clan affiliation, given in the LandInfo (Norwegian Country Information Center), *Security and human rights in southern Somalia*, published in November 2007:

“According to the delegation’s interview partners, the concept of protection is complex, and an individual’s vulnerability or opportunity to win protection and support is dependent on a number of factors. [There is no further explanation of such factors in the document]. The UNHCR explained that the situation is complicated and unclear with regard to whether a person will

find safety or protection in a clan's traditional home area. Conflicts over scarce resources have complicated the situation and made it unpredictable.” [45a] (p20)

- 18.11 Previously, before the current period of conflict (February 2007 to date), the JFFMR March 2004 noted: “... in general Somalis would be safe within his or her own sub-clan's area as long as the sub-clan is not involved in any conflict. It was added that civilians are not normally targeted by armed clan conflicts and very often they will know either how to escape or how to avoid being involved in such conflicts.” [7c] (p11)
- 18.12 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on *Human rights and security in central and southern Somalia*, published in August 2007, noted a difference in opinion regarding clan protection:

“An international organisation (A) explained that individual persecution *per se* does not take place in Somalia. Any Somali has the opportunity to attain security within his or her own clan. This is even applicable if a person does not have any close relatives in the country. As long as a person is living inside the traditional area of the clan he or she enjoys the protection of that clan.” [7e] (p29)
- 18.13 However, the report also noted: “An international organisation (C) stated that it is too broad to say that everyone upon return to Somalia from abroad will have access to protection from his or her clan in Somalia. The clan may try to assist and protect a person at the initial stage but not in the long term.” [7e] (p29)
- 18.14 The report went on to note:

“[Philippe] Lazzarini [UN OCHA] explained that in general clan protection is better in northern Somalia than in the south. In central and southern Somalia the situation is very complex when it comes to clan protection. In these areas there is no guarantee that a person will enjoy protection from his or her own clan. Many clans are rather dispersed and the mixture of clans is much more blurred. Lazzarini, however, acknowledged that in principle one could expect to be protected by one's own clan if he or she is living among clan members. Lazzarini emphasized that it is not possible to say something reasonable as to whether a person will be certain to enjoy clan protection in central and southern Somalia. It was added that many Somalis living abroad or as IDPs would not be able to return safely to central and southern Somalia. The IDPs experience no clan protection and accordingly there is no negotiation of compensation if an IDP is a victim of a crime.

“Yassin considered that ‘clanism’ is generally no longer an issue in Somalia. This has been the situation during the last three to four years. No one is being persecuted or targeted solely because of their clan affiliation and in principle anyone can expect to enjoy protection by his or her own clan.” [7e] (p30)
- 18.15 LandInfo, in its report of November 2008, reiterated the modified nature of clan protection:

“Individual security in the traditional Somali society was dependent on the clan’s, i.e. the Diya group’s ability to pay compensation and to defend itself in the event of attacks. This situation has not changed much in modern times, and the clan has remained the safety net of the Somali population since the collapse of the government institutions in 1991. Vulnerability and protection in Somalia are therefore closely linked to a clan’s strength. However, weak clans or groups have traditionally been able to seek protection from and affiliation to the dominant clans in a specific area. The internal clan conflicts that have characterised the situation in recent years mean, however, that affiliation to a dominant clan does not necessarily provide protection (interviews in Nairobi March 2007). Clans are still important, but it is evident that clan loyalty is superseded by political, ideological and international conditions.

“In meetings with Landinfo in March 2007 and June 2008, all of the interlocutors referred to the fact that the protection aspect is composed of a number of factors, and the individual’s vulnerability and potential to obtain protection and support are dependent on several conditions. Moreover, conflicts relating to scarce resources have contributed to the impairment of the mechanisms. Clan protection is still relevant, but primarily in relation to ordinary crime. With regard to the situation linked to ideological or political conditions, which according to Landinfo’s interlocutors in Nairobi in June 2008 have become a key problem, clan protection is not realistic. Additionally, the current situation is characterised by random violence and grenade and bomb attacks. The violence is indiscriminate – ‘Your clan cannot protect you from bombs.’ (Interviews in Nairobi in June 2008) However, clans continue to be important in relation to where a person flees (interview UNHCR June 2008), and as another source said: ‘Protection nowadays is primarily about knowing where al-Shabaab or other groups are located. In order to find one’s bearings in the landscape, informal channels and tracking systems need to be used.’ [45d] (p21, s.5.1)

18.16 The FCO Analyst’s report of May 2008 modified this position of ‘clan as no longer important’ stating: “It is not my opinion that there is no ‘comparative difference in levels of safety between majority clan and minority group members’. However, there may be little detectable difference between some individual circumstances.” [60a] (Point 3)

18.17 A report on a lecture by Joakim Gundel, published in August 2009, addressed the availability of clan protection in light of the ongoing conflict in Somalia:

“It is a traditional code in Somali culture that when a person comes to your house and seeks protection, one is obliged to protect this person. Thus failing to protect a person is considered dishonourable, signifying that one did not live up to his obligations. However, in the light of the massive displacements of recent times the numbers of people have become too large for the local host clans to service this traditional obligation – which has increased their vulnerability. In this context, it should be noted in particular that women and children are at the bottom in all the social hierarchies. Women from minority clans or other groups not part of the main nomadic local clans are in particularly bad positions, even the more if they belong to a minority in an IDP camp. Due to this destruction of the social fabric and state structures, there is a high level of lack of law and order. There are many

young men who are often armed (or have access to arms) who abuse the situation of big IDP camps and feel free to harass IDPs, rape women, force people into certain kinds of labour, extort money etc. As these men usually originate from the host clans, they are in a position of impunity. The only possible way of bringing change into such a situation can be found in entering a new xeer agreement between the elders of the host clans and those representing the IDPs and the other clan communities, in which the host clan promises to protect them against this kind of abuse.

“However, members of the sab-minorities or the Rahanweyn will in this context stand weaker compared to those who belong to one of the bigger nomadic clans, one of the reasons for this being that the nomadic clans have a clear xeer between them. Particularly in South Central Somalia, where these traditional structures are not sufficient due to prevailing lawlessness, Sharia, as it was practiced by the Islamic Courts, is being brought forward, as the common perception is that the only possible way to deal with high levels of crime and freelance gangs is by implementing a harsh rule and exerting severe punishments. Hence there are clans in the South which claim that it is not sufficient to pay the diya compensation (usually, in the Somali tradition, one is obliged to pay the 100 camels per person who has been killed), but the “wrongdoer” has to be killed as a punishment.” [77a]

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Land dispute and *diya* (blood-compensation)

- 18.18 The traditional system of resolving inter-clan disputes on land and grievance issues is governed by *Xe'er*, traditional law and precedent, adjudicated by elders (*oday*): a full description of the role of oday and such systems is given in a 2006 Danish Refugee Center/Novib-Oxfam report, *The predicament of the Oday* by Joakim Gundel. [59a] Gundel notes that the Rahanweyn have a different mechanism for diya. [59a] (p30-31)

See [Rahanweyn](#)

- 18.19 On compensation, the Danish Refugee Council report on human rights 2007 noted:

“Regarding blood-compensation (*Diya*) Yassin explained that minority groups cannot expect to obtain compensation from major clans such as the Hawiye or the Darod, and to obtain compensation from the Abgal clan is also very difficult since this clan is dispersed over a large area. However, if blood-compensation is being negotiated on a lower, sub-sub clan level it is very likely that compensation may take place. Even the Reer Hamar, Shekhal and other ethnic minority groups today have profiled elders who can negotiate blood compensation.” [7e] (p19)

- 18.20 The LandInfo report of November 2007 noted: “... [Philippe] Lazzarini [UN OCHA] added that internal refugees have no clan protection because they are by definition outside their native clan areas. Nor do they receive any compensation if a kinsman is injured or killed.” [45a] (p22)

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MAPPING OF CLANS

- 18.21 The 'mapping' of clans has changed with sources published over the years. Geographical maps on clan distribution include A. Abikar's map dated 15 April 1999, that details all clans/minorities that are rooted in a specific geographic locality, "based on Somali ethnographic studies and mapping carried out by various scholars in the last 100 years and is supported with the author's field surveys and interviews." [57a] Another geographic representation is a major clan map produced by Food Security Analysis Unit – Somalia, dated February 2005, which seems to indicate a contraction of Hawiye and Rahanweyn areas in Galgadud and Bay/Bakool respectively. [57c]
- 18.22 In terms of lineage, the lineage diagrams vary considerably on relative depth, often in variance on major divisions, and all differing in detail (Jane's 2008) [61a]; Menkhaus [51a] (p24); December 2000 JFFMR [7a](Annex 3 Genealogical table of Somali clans, p80-87); Bulle [55a]). Annex C – Somali clan structure draws together the main elements held in common. The JFFMR 2000 is the oldest clan lineage drawn upon. [7a] (Annex 3 Genealogical table of Somali clans, p80-87) The complex nature of clan maps is highlighted in Luling's discussion of the Digil/Mirifle/Rahanweyn. [51d] (p83-85)
- See Rahanweyn
- 18.23 The FCO Analyst's report of May 2008 adds a further note of caution about clan mapping: "Most knowledge is maintained by oral tradition and not recorded systematically. Individuals themselves hold this knowledge, and one account will never exactly match another." [60a] (Point 13)

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INTERMARRIAGE BETWEEN CLANS

- 18.24 There is little information regarding majority/minority clan alliances through marriage. However, *Somalia: the untold story: The war through the eyes of Somali women* by Gardner and Bushra, published in 2004, made reference to male majority clan members marrying female minority clan members. [51f] There is no indication as to whether this refers to clans in general or only certain minority groups. I.M Lewis, in *Saints and Somalis*, published in 1998, refers to the Bravanese (non-clan minority group, see Bravanese) as occasionally marrying into major clan families [51c] (p63) but does not specify whether this has been the case for both male and female Bravanese. The Danish Refugee Council report on human rights 2007 notes:

"An international organisation (C) confirmed that a wife is absorbed into her husband's clan irrespective of her own clan affiliation. This is so except for when she has married below her own clan's position. However, if the husband dies a problem may arise regarding the widow's clan affiliation.

"According to NOVIB a woman's marriage against the wishes of her family or clan may lead to the death of the man if he comes from a lower clan than his wife. NOVIB gave an example of a couple in which the woman's own

clan sent her away to the other end of the country. The couple later found each other again and had to go into hiding or they would be killed.” [7e] (p31)

- 18.25 The LandInfo report of November 2007 gave details of men known as ‘black cats’, namely “a man belonging to the Hawiye clan who marries a minority woman and moves in with her family. For Rer Hamar families, such marriages have served as protective mechanisms, but they often violate the true will of the woman and her family.” [45a] (Footnote 28, p26) The report notes that few ‘black cats’ remain amongst the Benadir population now [November 2007]. [45a] (p26)

See [Benadiri and Bravenese](#)

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RAHANWEYN CLANS

- 18.26 As reflected in the JFFMR December 2000, the Rahanweyn clans, comprising the Digil and Mirifle, are considered as a minority group by some experts and related to the major Somali clans though considered as less ‘noble’ by others. However, the Digil and Mirifle were included as one of the major Somali clan-families and allotted 49 seats distinct from the recognised official minorities (who formed a separate grouping) when seat allocations for the TNG were decided upon at the Arta conference of 2000. [7a] (p56)
- 18.27 As an alliance of groups rather than a unified, distinct group, sources differ as to which groups are Rahanweyn or not. Luling, in the 2002 publication *Somali sultanate* notes that there are at least three different ways of defining the Digil and Rahanweyn, and subclassifying their sub-clans. [51d] (p84,5) Luling previously notes, along with Lewis’s observations of 1957, that:
- “The ‘total genealogy’ [a genealogy that links all clans back to connections with the founders of Islam], in other words, is an intellectual construct and the construct of intellectuals. Ordinary people are simply concerned with the day-to-day political relations which are worked out via the genealogical links at lower levels of segmentation, and beyond this their ideas are hazy (Lewis, 1957:71). The Digil and Reewiin/Raxanweyn, for instance, tend to refer to all nomadic pastoral clans as ‘Haawiye’, or even ‘Daarood’ or ‘Daame’ (in the contrasted pair of *Digil iyo Daame*), while the latter call the Reewiin/Raxanweyn indiscriminately ‘Eelaay’ [others].” [51d] (p83)
- 18.28 The Gundel 2006 study on traditional law comments on the Rahanweyn, noting that the Rahanweyn organise their property rights and social systems differently from other Somali clan structures, allowing a certain fluidity of acceptance in Rahanweyn areas, and looking for *diya* at a higher collective level than the pastoralist clans, namely to a leader of the clan not the elders. Traditionally, the ‘families’, the jilib, elect a council leader, a Gob, who in turn assembles an elders’ council, Akhayyar, and a leader for the confederation of councils, a Malaakh. The Malaakh heads the whole clan and is the person to whom *diya* requests are presented. [59a] (p30-31, 3.3.6)
- 18.29 The chapter by Bernhard Helander in the 2003 publication, *The struggle for land in Southern Somalia: the war behind the war*, gives information about different modes of differentiation between “clan” and “non-clan” Somalis amongst the Rahanweyn. The particular sub-clan, the Hubeer, that Helander

studied, recognised members by “birth” and by “culture”; and that the main determinant was access, possession and rights (under Xe’er) to land. [51b] (pp50, 52f)

See also [Annex C – Somali clan structure](#).

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MINORITY GROUPS

- 18.30 The Joint Fact-Finding Mission Report (JFFMR) of December 2000, observed that minority groups within Somalia included the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan (Gaboye), Tumul and Yibir. As with the majority clans several of these individual groups are divided into sub-groups. The minority groups were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them. During the civil war minority groups were among the most vulnerable and victimised populations in the country. [7a] (p20-22) The JFFMR December 2000 noted that certain minority groups, most notably the Benadiri and Bravanese, were particularly disadvantaged and targeted by clan militia since the collapse of central authority in 1991. [7a] (p48) The FCO Analyst’s report of May 2008 further explained: “The term minority has come to cover a wide and diverse range of peoples in Somalia. Some minorities may be more identifiable (e.g. appearance, dialect, accent) than others. Others, especially those are treated as lower ‘castes’ – due to the stigma associated with their way of life, profession, putative ancestors, etc. – will be indistinguishable from majority Somali clan groups.” [60a] (Point 2)
- 18.31 The JFFMR December 2000 stated: “Minority groups are not evenly distributed throughout Somalia; there is a higher concentration in the central and southern parts of the country.” [7a] (p21) However, some groups, such as those with special occupational skills (Midgan, Tumul and Yibir), are more likely to be found in different parts of the country. [7a] (p87) The USSD report for 2006 and the JFFMR December 2000 reflected that politically weak social groups are less able to secure protection from extortion, rape and other human rights abuses by the armed militia of various factions. [2a]
- 18.32 The FCO Analyst’s report of May 2008 similarly noted that:
- “Though some minority groups were primarily associated with geographical locations e.g. Bravanese, Benadiri, others were identified by their ‘occupational caste’ and might be found in any given area. Different ‘Bantu’ groups are traditionally found in many of the river valleys of the Juba and Shabelle. However many minority groups will have migrated to bigger towns and cities in search of work, social services (health, aid, education) or protection (e.g. previous UN presence).” [60a] (Point 10)
- 18.33 During the JFFM of January 2004, the delegation asked the UN High Commissioner for Refugees (UNHCR) branch officer for Somalia about the discrepancy which seems to exist between the information collected on the 2004 mission and previous missions, regarding the situation in Somalia for persons belonging to minority groups, and the information provided during refugee status determination interviews in some European countries:

“[The UNHCR source] firstly stated that she obviously did not know whether the case profiles of the persons referred to by the delegation were the same profiles as the ones who approach UNHCR in the region. With this reservation in mind, and presuming that the persons referred to are in fact coming from minority clans, the UNHCR source said that the discrepancy could to some extent be caused by the difference in conception between the person interviewing the asylum-seeker and the asylum-seeker him/herself as to what, for example, constitutes forced labour. If an asylum seeker has been used to working for example two hours every day for someone (belonging to a ‘noble’ clan) without being paid, the asylum-seeker may consider this normal and would not define it as forced labour if asked. It was suggested that the interviewer would have to ask specifically about all the small details of the asylum-seeker’s daily life in order to assess whether the person had in fact been subjected to forced labour or other human rights violations. Specifically with regard to sexual abuse including rape, she stated that pride and status might often prevent an asylum-seeker from coming forward with this information during an asylum interview or elsewhere.”
[7c] (p37)

- 18.34 The United Nations Commissioner on Human Rights (UNHCHR), in its report by its independent expert Ghanim Alnajjar dated 13 September 2006, stated:

“It is estimated that minority groups living in Somalia may constitute up to one third of the Somali population, approximately 2 million people. These groups, including the ‘African’ Bantu/Jarir, the Benadir/Rer Hamar and the Midgan (Gaboye), are most often landless and unarmed in Somalia. These labourers, metalworkers, herbalists and hunter-gatherers continue to live in conditions of great poverty and suffer numerous forms of discrimination and exclusion. They are prohibited from inter-marrying and often face discrimination in accessing the limited social services that exist in Somalia, and are as well targeted for all forms of harassment and violence. The women members of the Bantu ethnic group are particularly at risk of rape and sexual assault.” [4a] (Minorities)

- 18.35 The FCO Analyst’s report of May 2008 made the following observation when categorising those outside the Somali clan structure, stating:

“Previously groups like the Bantu, Bajuni and Benadiri, and particularly their sub-groups were made up of isolated and discrete communities each with its own set of external relationships, internal histories, hierarchies and areas of concentration. The experience of the state in Somalia during the twentieth century has tended to deemphasise difference between communities, against which these small groups have often fought a rear-guard action. Conversely in the aftermath of state collapse, small sub-groups of vaguely common ancestry or custom have come together to produce larger identities such as Bantu, Bajuni, Brawanese or Benadiri, or even Midgan/Madhiban. These are constructs made in the face of common adversity and common historical experience, but as ‘identities’ may have little historical precedence. It is therefore extremely difficult to expect standardised accounts or beliefs.”
[60a] (points 18,19)

- 18.36 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission *Report on Human rights and security in central and southern Somalia*, published in August 2007 noted:

“Hibo Yassin, Regional Coordinator, Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE) explained that minority populations in Somalia, i.e. members of ethnic minority groups and members of clans being in a minority position are no longer victims of targeted looting and other targeted human rights violations. However, it was added that any person in Somalia who does not enjoy strong clan protection because he or she is from a weak clan or minority group has to keep a low profile. Such a person should never be outspoken or express political opinion openly or he or she will have to go into hiding or conceal his/her identity. During the period of UIC control members of minority populations were in a much better position and some were even able to reclaim property, however today this is no longer so. Everyone is now under threat and many are afraid, not least members of minority groups. ... Regarding blood-compensation (Diya) Yassin explained that minority groups cannot expect to obtain compensation from major clans such as the Hawiye or the Darod, and to obtain compensation from the Abgal clan is also very difficult since this clan is dispersed over a large area. However, if blood-compensation is being negotiated on a lower, sub-sub clan level it is very likely that compensation may take place. Even the Reer Hamar, Shekhal and other ethnic minority groups today have profiled elders who can negotiate blood compensation.” [7e] (p18)

- 18.37 The report noted that OCHA and NOVIB continue to regard minorities in Somalia as vulnerable and targeted. The report continues:

“Jabril Ibrahim Abdulle, Director, Center for Research and Dialogue – Somalia (CRD-Somalia) explained that ‘social capital’ in Somalia is not for members of minorities. The minority groups are vulnerable, but on the other hand as they do not have access to the same resources as the rest of the population they are often not involved in direct conflicts. However, Abdulle acknowledged that members of minority groups and clans are often victims of human rights violations.

“Regarding the land issue Abdulle explained that there have always been land disputes and that there has always been inequality at all levels of society. Looting of property still takes place and the minorities are still targeted, but there is not much land anymore to take away from these populations. However, looting of humanitarian aid from minorities still continues. ... Members of minority groups are also more vulnerable during armed conflicts as they do not have the same access to medical treatment and hospitals as many others have. Members of minority groups also find it harder to flee and move around to escape the fighting, as they are not as easily accepted in new surroundings, as is the case for many other IDPs from major clans. IDPs from more influential clans often have a better chance of being tolerated in the area to which they have fled.

“According to Abdulle the UIC provided the minorities with some kind of protection and freedom. There was an enormous relief among the minorities when the UIC took over in June 2006. Many members of minorities were accorded prominent or high positions in the UIC administration, in the education and health sectors.” [7e] (p20)

- 18.38 However, the report also noted: “On the other hand Abdulle also pointed to the fact that there are members of minority populations that have strong positions in society. The deputy speaker of the Transitional Federal

Parliament (TFP) is a *jarrer*, i.e. Bantu.” [7e] (p19) The FCO Analyst’s report of May 2008 also notes that: “Access to wealth, the social status of the minority group in question, as well as individual connections, can subvert or mediate this prevailing inequality of power. Many individuals from minority groups remain in Somalia. Some may be able to hold on to property, or attend school, or access medical care.” [60a] (Point 5)

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General security position for minority groups

- 18.39 The LandInfo report of November 2008 updated information on Mogadishu; it stated: “According to a well-informed observer, the Hawiye clan Suleiman is still well represented in Hamar Weyne, Hamar Jabjab, Karaan and Medina, but those who do not control areas in the capital have mostly left. The minorities’ areas are ghost towns and it is unknown how many minority group members remain in Mogadishu.” [45d] (p13, s.3.1.1.)
- 18.40 The report of Shamsul Bari, an independent expert appointed by the UN General Assembly Human Rights Council to report on the situation of human rights in Somalia, published on 24 February 2009, includes a general note on the situation of minorities:

“Discrimination and abuses against minorities and vulnerable groups continue unabated. Somali minorities such as the Benadir/Rer Hamar, Midgan (Gadoye) and Tomal, in particular the African Bantu/Jarir population, who have been traditionally discriminated against in Somali society, continue to face abuses and human rights violations because of their ethnic origin. ...The fighting in South and Central region has adversely affected their ability to earn a livelihood as labourers, metalworkers, herbalists and hunters, their traditional occupation[s].” [72a](p16, paragraph53)

Bajuni

- 18.41 The JFFMR December 2000 recorded that the Bajuni are mainly sailors and fishermen who live in small communities on the coast south of Kismayo and on islands between Kismayo and the border with Kenya. The Bajuni are of mixed Arabic, Bantu, Somali and possibly Malay ancestry. Bajuni Elders stated that the Bajuni do not regard themselves as Benadiri people, although they had some trading links with the Bravanese people. [7a] (p26-28)
- 18.42 The JFFMR December 2000, and the OCHA Minorities Study of August 2002 observed that the Bajuni had traditionally held a low status in Somalia. As Siad Barre’s administration collapsed in the early 1990s, the Bajuni were attacked by groups of Somali militia who wanted to force them off the islands. Many Bajuni left Somalia for Kenya, the majority having fled during 1992. Some Bajuni earned money by transporting refugees out of towns such as Brava and Kismayo to Kenya. In Kenya the Bajuni went to the Jomvo refugee camp in Mombasa. When the Jomvo camp was closed in 1997 many Bajuni were returned by the UN High Commissioner for Refugees (UNHCR) to the Bajuni islands, which at the time were considered safe. However, with the fall of Kismayo in 1999 to the allied forces of the Somali National Front (SNF) and Aideed’s Somali National Alliance (SNA), and subsequent attacks on the Bajuni islands, the UNHCR suspended

returns. (JFFMR December 2000) [7a] (p28-30) (OCHA Minorities Study, August 2002) [26a] (p5-6)

- 18.43 The OCHA Minorities Study of August 2002 recorded that though recent Marehan settlers still have effective control of the islands, Bajuni can work for the Marehan as paid labourers. This is an improvement on the period when General Morgan's forces controlled Kismayo and the islands, when the Bajuni were treated by the occupying Somali clans as little more than slave labour. The position of the Bajuni is more one of denial of economic access by Somali clans than outright abuse. [26a] (p4)
- 18.44 The JFFMR March 2004 observed that the Bajuni population is estimated to number 11,000. Clan militias routinely occupy parts of the islands and force the Bajuni to work for them, demanding 50 per cent of the revenue. [7c] (p38)

Bajuni language

- 18.45 The FCO Analyst's report of May 2008 stated: "There are also a few distinct languages spoken in Somalia that are distinct from the broad Somali language group (e.g. some of the Bantu languages such as the Brawanes language Chimini, or the Bajuni language KiBajuni, etc.)." [60a] (Point 16) The JFFMR 2000 noted that the principal language of the Bajunis is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. [7a] (p26-28) The JFFMR March 2004 went into a further refinement of which language was spoken by Bajunis, stating:

"When asked what languages are spoken and understood by the Bajuni in the Lower Juba, Abdalla Bakari stated that the Bajuni in Kismayo and the outlying islands speak their own dialect. He estimated that 50% of these are also able to speak Somali, but noted that the vast majority of those that can understand Somali are from the mainland (the Kismayo coast, rather than the islands). ... When asked what proportion of the younger generation of the mainland-based Bajuni was able to understand Somali, Abdalla Bakari confirmed that all such persons were able to understand and speak Somali." [7c] (p37-38)

- 18.46 It was highlighted in the JFFMR 2004 that the island-based populations tended not to be able to speak Somali due to their social isolation from the mainland. [7c] (p37-38)

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Bantu

- 18.47 The US State Department's *Country Report on Human Rights Practices 2008, Somalia* and the JFFMR July 2002 recorded that the Bantu, the largest minority group in Somalia, are an agricultural group found in small groups, usually in the river valleys of southern Somalia in Hiran region (the Reer Shabelle and Makanne groups), Gedo (the Gobaweyne), Lower and Middle Shabelle (the Shidle and "Jereer") and Lower Juba (the Goshu). [2a] (National/Racial/Ethnic Minorities) [7b] (p59) Besteman, in *The Invention of Goshu* (published in Jimale's *The Invention of Somalia*), notes that along the Jubba Valley, "villages rather than lineages or clans hold and allocate land,

and the village functions as a single entity in the payment of blood money, which among Somalis is a lineage affair.” [51e] (p55)

- 18.48 The LandInfo report of November 2008 has updated information about the situation of some Bantu groups, and stated:

“A group whose situation appears to have worsened is the Bantus in the Hiraan region, according to an international organisation (interview June 2008). In 2007, it was feared that the relatively good terms the Bantus had achieved in order to carry out agricultural activities would attract the big clans (interview March 2007). This fear has proven to be well founded. The local clans have stepped in with heavy farming machinery and the Bantu population is under pressure and has lost access to the irrigation equipment it had before. The Bantu population is also armed and used by local clans in the fight for power.” [45d] (p18, s.3.9.1)

- 18.49 The JFFMR July 2002 stated: “Some Bantu have adopted Somali clan identity while others maintain their East African tribal identity. Some Bantu are descendants of pre-Somali Bantu populations while others are descendants of slaves taken from East Africa to Somalia.” [7b] (p56) The JFFMR December 2000 noted that other Somalis, including those of Bantu origin commonly refer to Bantu as “*Jarer*.” [7a] (p29) *Jarer* may have hardened into a perjorative term: Gosha comments “conceptions of identity – from both an internal and external perspective – continue to change, as Somali society has changed with the development and disintegration of the State.” [51e] (p55)

- 18.50 The JFFMR December 2000 observed that the Bantu mainly occupy the territory between the two main rivers in Somalia, the Shabelle and the Juba, the so-called inter-riverine area of Somalia. The area covers eight regions in southern and central Somalia. The Elders stated that in the regions of Middle and Lower Shabelle, Middle and Lower Juba, Bay, Benadir and former Upper Juba (parts of which are now in Gedo region) the Bantu population was still [in 2000] actually a majority. [7a] (p31) Jane’s Information Group placed the Bantu population at 14 per cent of the total population before 1991, and stated that large numbers have since 1991 left for Kenya and Tanzania. [61a] (Bantu Somalis)

- 18.51 There are different accounts regarding the language of the Bantu. Some Bantu groups have maintained their own Bantu dialect or language whilst others have completely lost theirs. The Mushunguli of the Lower Juba still have their own dialect called kiziguua. M Eno noted that “linguistically it [the Somali dialect] is indistinguishable between a Jareer speaker and an Abgaal counterpart who both grew up in Johar”. [51g] However, Luling noted that she refuses to call Bantu by the name ‘Bantu’, instead using the term ‘Jareer’ to describe them because: “it [Bantu] is properly speaking a linguistic term, and the people concerned do not (or not any longer) speak a Bantu language.” [51d] (p115)

- 18.52 There are issues of appearance mentioned in academic studies. Helander mentions a distinction, stating: “The distinction between nobles and commoners is based partly on racial stereotypes, according to which commoners have more pronounced ‘African’ features than do nobles.” [51b] (p51) Luling also noted that Bantu are distinguished by their more ‘African’

appearance but also stresses that it would be difficult to identify a Bantu by their appearance alone. [51d] (p94)

- 18.53 Luling noted what was traditionally an occupational difference: "Some specialised trades were and are only practised by jareer. They are carpenters and housebuilders, weavers, and potters, and will butcher animals for payment, where a Noble would only do so for his own family." [51d] (p94)
- 18.54 The JFFMRs December 2000 and July 2002, noted conditions for Bantu reportedly vary according to the region in which they live. [7a] (p35-37) [7b] (p56-57) As stated in the JFFMR July 2002 and the OCHA Minorities Study of August 2002, Bantu have been largely displaced along the Juba and Shabelle rivers. They are usually able to remain in their home areas, to work mainly as labourers for the Somali clans (mainly the Marehan, Ogadeni and Habr Gedir) that have taken their traditional land. They can usually retain about 10 per cent of their land for their own use. [7b] (p57-58), [26a] (p4) However, the JFFMR December 2000 noted that in some cases Bantu work as plantation labourers in what Bantu Elders describe as situations of near slavery. [7a] (p35)
- 18.55 The JFFMR July 2002 noted that in Bay and Bakool, Bantu had largely been incorporated into the Rahanweyn clan structure and were able to retain their land. Bantu that had assimilated themselves with the indigenous clans they live with were reportedly known as "*sheegato*", which means they were not bloodline clan members, but adopted. [7b] (p28-29) Helander also describes *sheegato*. (Bestemann, 2003) [51b] (p50) As noted in the JFFMR March 2004:
- "The Somali Bantu population is now the best known of these minorities; representing about 5% of the total population, the Bantu are prone to theft of their land, rape, forced labour, and a range of discriminatory behaviour. Minority and low status groups such as the Bantu are afforded little protection under customary clan law and have virtually no recourse to a system of justice when victimized. Those who do bring complaints to clan, legal, or religious authorities place themselves at great risk of intimidation and assault." [7c] (p17)
- 18.56 A UN Integrated Regional Information Networks (IRIN) article of 25 June 2003 noted that the Bantu are represented by Somali African Muki Organisation (SAMO), which is aligned to the Somali Salvation Alliance (SSA) that aligned itself with the G8 group at the Eldoret/Nairobi peace talks. [10b] Luling, in the 2002 *Somali sultanate*, has a fuller account of the development of SAMO and states: "It is notable that, though they may seem to represent the nearest thing to a clan-based political movement that Somalia has seen, the SAMO supporters do not present themselves in this way, but as another clan family, equal with the existing ones." [51d] (p136) The USSD report for 2008 states:

"There were 31 members of the minority Bantu and Arab ethnic groups in the TFP and only one in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet. There are 136 distinct sub-clan groups in Puntland, 46 of which are represented in parliament. These are the largest sub-clan groups and each have between one to four representatives in the 66-member body. The other smaller sub-

clans do not necessarily consider themselves as 'minorities', and most believe they are represented within the larger Darod/Harti clan and the parliamentary body." [2a] (Elections and Political Participation)

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Benadiri and Bravanese

- 18.57 The JFFMR December 2000 noted that the Benadiri are an urban people of East African Swahili origin, living mainly in the coastal cities of Mogadishu, Merka and Brava; and the Bravanese are a people long established in the city of Brava, believed to be of mixed Arab, Portuguese and other descent. These groups suffered particularly badly at the hands of armed militia and bandits as their home areas were fought over by competing United Somali Congress (USC) factions and the Somali Patriotic Movement (SPM). USC/SNA (a sub-group of the USC) forces in particular singled out the Benadiri and Bravanese, with a campaign of systematic rape of women. Members of the minority populations, such as the Reer Hamar, the original Benadiri population of Mogadishu (known in Somali as Hamar) living in the Hamar Weyne and Shingani districts found themselves particularly exposed at times of heavy fighting. Most homes belonging to the Benadiri and Bravanese in Mogadishu had been taken over by members of clan militias, although sometimes the clan occupants allowed them to reside in one room. [7a] (p28, 38-41, 44-45)
- 18.58 Jane's Information Group, in its *Country Risk Assessment for Somalia, 2008* noted: "Reer Hamar (Benadiiri) in general practice commercial occupations. Their group has the greatest number of professionals (e.g. bankers, businessmen, skilled personnel) and most live in Mogadishu. ...Benadiris were easy prey during the civil war. Their land, property and businesses were taken. Most Benadiris fled in the early years of the fighting and have little or nothing to return to." [61a] (Bajuni, Migdgan, Tumul, Reer Hamar)
- 18.59 Information obtained by a British-Danish fact-finding delegation in May/June 2002 suggested that Bravanese have mostly fled from the coastal town of Brava, although some are still living in the town, which is controlled by the Habr Gedir. Information suggested that Bravanese who remained faced abuses including forced labour, sexual slavery and general intimidation. [7b] (p57) The JFFMR March 2004 observed that it was estimated that 90 per cent of the Rer Hamar population in Mogadishu have left the city as a consequence of civil war and lack of security. The majority of Rer Hamar who are still in Mogadishu are older people who live in Mogadishu's traditional Rer Hamar district, Hamar Weyn, which is controlled by militias of the Habr Gedir sub-clan, Suleiman. As to how those Rer Hamar families still living in Mogadishu were able to cope with the situation in the city, it was explained that some of the families have agreed, or have been forced to marry off their daughters to members of the majority clans such as Habr Gedir. Such a marriage can provide a Rer Hamar family with some degree of security but the alliance is not an even one, as the Habr Gedir son-in-law (nicknamed 'Black Cat') to a large degree controls the economy of his family-in-law. [7c] (p39) The LandInfo report of November 2007 states that few 'black cats' now remain in Mogadishu. [45a] (p26)

See [Intermarriage between clans](#)

- 18.60 The Institute for Cultural Partnerships, in a 1997 document that is primarily concerned with Somalis identified as Bravanese entering the USA, stated:
- “Rer Brava are a distinct ethnic Somali minority from Brava Town which is located along the southern coast of Somalia. Like many communities of the East African coast, Rer Brava are a complex population blending African and non-African origins. Rer Brava people are sometimes referred to as Bravan or Barawan. Ethnically, the Rer Brava are part of the greater Somali clan of Tunni. Rer Brava are also part of what is collectively known and described as the Benadir communities.” [54]
- 18.61 *Somalia: The Untold Story* noted: “They [Bravanese] traditionally practice endogamous marriage, that is marrying within the extended family; this is in contrast to the exogamous marriage practice of pastoral groups.” [51f] (p8) The book also stated that the Bravanese traditionally practice cross-cousin marriage [51f] (p62) and that they can be linked through extended family, to one of the major clan families [51f] (p59).
- 18.62 One article (from *the Earth Times*) published in February 2007, suggested that Benadiri youth had been recruited by UIC forces in late 2006. [52a]

Benadiri language

- 18.63 In an annex [annex 6] to the Danish Fact-Finding Mission of 2000, a letter from the Baravani Community in Kenya, states that the Reer Hamar are a sub-sub-clan of the Goygaal, who are part of the Baravani community. [7a] (p115-117) The Baravani are a particular segment of the Benadiri, that is the people of the coastal region between Mogadishu and Kismayo. [7a] (p44)
- 18.64 Ethnologue (15th edition), accessed on 15 March 2009, states under ‘Somali’ the following with regards to dialects: “Dialects: Northern Somali, Benaadir, Af-Ashraaf (Ashraaf). Northern Somali is the basis for Standard Somali. It is readily intelligible to speakers of Benaadir Somali, but difficult or unintelligible to most Maay and Digil speakers. Those in Merka and Muqdisho speak Af-Ashraaf, a distinct variety which may have limited inherent intelligibility to speakers of Standard Somali.” [70a]
- 18.65 The following text was sent to COI Service on the 24 February 2009 from Sprakab, a Swedish company that supplies language analysis services to many asylum determination bodies and police authorities, and is contracted to do so for the UK Border Agency: “The Reer-Hamar dialect of Somali is not only spoken by members of the Reer-Hamar clan. It is also spoken by persons who have had their language socialized in Reer-Hamar speaking areas or among Reer-Hamar speaking persons.” [69a]

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HAMAR HINDI

- 18.66 The JFFMR July 2002 noted:
- “Informed sources from an international organisation in Baidoa stated that the Indian community in Somalia had numbered, at the most, 200 families. They were mainly engaged in cloth dying in Mogadishu and, in fewer numbers, Merka. The Indians came to Somalia to establish businesses in

the 1940s and 1950s. There were also some Indians recruited by the Italians in the 1940s and 1950s to run plantation farms as foremen, mainly around Qoryoley (the plantations begin past Afgoi, where the Shabelle flood plains lie). The Indians were mainly from the Bohora community, which is also present in Mombasa, Kenya, and were mostly Muslims. One source stated that there had been approximately 200 Indians in Kismayo at one time but they had left the city, mostly for Mogadishu, by the early 1980s. The Indians were recruited directly from India rather than from the established Indian community in British East Africa. Traditionally, Indians and Somalis were business rivals. Virtually all Indians had left Somalia by the time that Siad Barre's regime fell in 1991, mostly relocating to Mombasa, although one source had met two Indians, who had married Somalis, in Mogadishu recently.

"The above-mentioned sources stated that the name 'Hamar Hindi' has been applied to the Indian community in Somalia, meaning 'Mogadishu Indians'. The area where Indian businesses were concentrated was also known as Hamar Hindi, a small area near the fish market and national museum, close to the Hamar Weyne district. District names in Mogadishu tend to relate to the original home of the inhabitants, e.g. Shingani is named after an area in Tanzania from where the original inhabitants, brought as slaves from Tanzania, had come.

"The same sources stated that all Indians in Somalia could speak the Somali language, usually to a good standard but at the very least all would have had a basic command of the language. In the cities, the Indian businessmen would have had to speak Somali to be able to engage in business activities. Likewise, the Indian foremen on the Italian plantations, who each managed between 100 and 150 plantation workers, had to speak Somali in order to communicate with their men. Also, under Siad Barre's rule, society was much regulated and a good command of Somali would have been essential for Indians to be able to deal with official bureaucracy." [7b] (p58)

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Midgan, Tumal, Yibir and Galgala

- 18.67 The JFFMRs of December 2000 and July 2002, noted the Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumal and Yibir (a group said to have Jewish origins) traditionally lived in the areas of the four main nomadic clan families of Darod, Isaaq, Dir and Hawiye in northern and central Somalia. In the last few decades many of them migrated to the cities. These groups are now scattered throughout the country but are mainly found in northern and central regions. Midgan have been able to settle in Puntland. [7a] (p49-50) [7b] (p57-58)
- 18.68 The JFFMR December 2000 noted that these groups are called "occupational castes" as they traditionally perform specialist services and settle in areas where they obtain protection from a clan and build up an economic activity. [7a] (p49)
- 18.69 The OCHA Minorities Study of August 2002 noted that the Midgan, or Madhiban, have always been placed at the lower end of Somali society. In Hargeisa there are five telephone companies, six money transfer

companies, and several light industries, transportation and construction companies, all of which create hundreds of job opportunities. The minorities claim that these jobs are offered according to the ethnic identity of the individual. The Gaboye, Tumul and Yibir have no access to those jobs because of their ethnicity. Midgan can trade freely, although they are usually unable to own property and livestock. [26a] (p4) Further, Luling noted: “[The caste groups] are seen as even lower in status than Jareer. ... The Eyle, professional hunters and leather workers, live a separate and nomadic life out in the bush, but occasionally appear in town. At festivals they can be seen doing their special leaping dance, *hiyaat Eyle*. They are seen by the rest of the population as lower in status than anyone else, and even Jareer would not marry them.” [51d] (p111) Eno noted the words of Asha Samad: “Midgaan-Madhiban have never had any secure rights or protection in Somali society. Even in overseas Somali society, they still face hatred, harassment and abuse.” [51g] The JFFMR July 2002 noted that the position of the Midgan/Gaboye improved at times of stability and recovery. [7b] (p57-58)

- 18.70 The Midgan are outside the Somali clan system in as much as they are unable to marry into it. Seid gave the examples of Madhiban and Muuse-Dhariyo clans: “Both are Midgo, yet they do not have common ancestor nor any other feature distinguishing them from other Somalis, except their intermarriage as neither of them is not allowed to intermarry with other Somalis. The same is true with other groups and clans within Midgo.” [51h]
- 18.71 IRIN reported on the situation of the Gabooyo, another “occupational” minority, in an article of March 2009. The Gabooyo live in Beletweyne, central Somalia, and number about 400 families (2,400 people); they are marginalised because of the work they do, mainly shoemaking and iron-smelting. The interviewee stated that the Gabooyo were left out of any *diya* compensation systems and were denied any aid obtained the local administrations. [10a]

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OROMOS

- 18.72 The Norwegian Country Information Centre, LandInfo, stated in their report *Security and human rights conditions in southern Somalia*, published in November 2007: “Phillipe Lazzarini, the OCHA representative, estimated the number of Oromos in Mogadishu at 20,000 to 30,000 and said they have been more vulnerable to arrest than other non-Somali groups since the TFG and its Ethiopian military backers took control of the capital.” [45a] (4.6.1, p27)

See also [Annex D: Main minority groups](#).

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19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 19.01 The International Lesbian and Gay Association's report, *State sponsored homophobia*, updated in May 2009, (ILGA Report 2009) noted that same-sex relations between men and between women are illegal and referred to the relevant parts of the Somali penal code:

"Article 409 Homosexuality 'Whoever (a) has carnal intercourse (b) with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years. Where a) the act committed b) is an act of lust different from carnal intercourse, the punishment imposed shall be reduced by one-third."

"Article 410 Security Measures 'A security measure may be added to a sentence for crimes referred to in Articles 407, 408, and 409

"Somalia has not had a functioning central government since the fall of the dictator Mohamed Siad Barre in 1991, and the enforcement of the national Penal Code can be questioned. In the southern parts Islamic courts rule, having imposed Islamic Sharia law punishing homosexual acts with death penalty or flogging. However, Somaliland in the north has declared itself independent, and it still applies the Penal Code.'" [28a] (p38)

- 19.02 Behind the Mask, Somalia country page, undated, accessed on 1 June 2009, also reported that "homosexuality" is illegal and referred to Somali law:

"Article 409 punishes sexual intercourse with a person of the same sex with imprisonment from 3 months to 3 years, and an act of lust different from sexual intercourse from 2 months to 2 years.

"According to Article 410, a security measure may be added to a sentence for homosexual acts. This is normally police surveillance – to guarantee that the person convicted does not engage in these activities again'. (Arno Schmitt and Jehoeda Sofer – 'Sexuality and Eroticism Among Males in Moslem Societies') ... Jehoeda Sofer does not specifically confirm whether the above Articles apply to lesbian sex. On the basis that they are based on the Indian Penal Code, it is assumed that they do not ..." [29a]

- 19.03 The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, dated July 2006, concurred that "homosexuality" was illegal and added that the death penalty applied to both men and women in some areas where Shari'a was in place. The same report noted that there was "No data or legal situation unclear" with regard to transgender persons. [6g] (p11)

TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

- 19.04 An article reported on Behind the Mask dated 22 October 2004 gave an example of an execution of a lesbian couple. In "2001, a lesbian couple in northwest Somalia was executed after the local Islamic government found out they were to be married. 'We are confident this government will help us as people of sexual minority,' said Jimcale. Back in July [2004], the group

had its 4th international conference in London with more than 200 participants from all over the world.” [29c]

SOCIETAL TREATMENT AND ATTITUDES

19.05 The Behind the Mask article of May 2004 stated:

“Whether through suicide following pressure from families or via loosely applied Islamic law that is uncontrolled due to the lack of a central government, their [homosexuals] greatest fear is death – a sentence that can be brought upon them just for being homosexual, or for being perceived to be homosexual. ... The situation for queer people in Somalia is very dangerous. Without official recognition and without a government to lobby, Queer Somalia can do little more than report on the plights of individuals and to host meetings with small groups, acting as a link to the outside world. There are a lot of people who are queer [in Somalia] but they are afraid they will miss their basic rights if they express themselves.” [29b]

19.06 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, released on 25 February 2009, observed that: “Sexual orientation is considered a taboo topic and there is no public discussion of this issue in any region in Somalia. There were no reports of societal violence or discrimination based on sexual orientation.” [2a] (Section 5: Discrimination, Societal Abuses, and Trafficking)

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20. DISABILITY

- 20.01 The US State Department's *Country Report on Human Rights Practices 2008*, *Somalia* noted :

"In the absence of functioning governance institutions, the needs of persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of disabled persons reported numerous cases of discrimination to the UNIE [UN Independent Expert on Human Rights in Somalia].

"There was widespread abuse of persons with mental illness. It was common for such persons to be chained to a tree or within their homes."
[2a] (Persons with disabilities)

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21. WOMEN

OVERVIEW

- 21.01 Somalia is not a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (Countries as signatories are set out in the [CEDAW official signatories list](#), accessed on 5 June 2009) In a statement of the United Nations Special Representative for Somalia (SRS) – Francois Lonseny Fall – to the Opening ceremony of the IGAD/UNIFEM Experts Group Meeting in Nairobi on 21 February 2006, the SRS stated:

“To secure the participation and representation of Somali women, UNPOS will work with Somali authorities to ratify the CEDAW to which Somalia is not a signatory, and to ensure that women have access to information regarding national and international safeguards for their rights, included in the Transitional Federal Charter, CEDAW, and the Declaration on Violence against Women, among others. The institutional and other barriers that prevent women from accessing information concerning women’s rights are a major impediment to raising awareness about women’s rights in Somalia.”
[64a]

- 21.02 The US State Department’s *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008), released on 25 February 2009, noted that: “Women have suffered disproportionately in the country’s civil war and inter-clan fighting.” [2a] (Women) The UN Office for the Coordination of Humanitarian Affairs (OCHA), in their Protection Factsheet, dated May 2006, summarised other degradations:

“Somali women are systematically discriminated [against] and subordinated ... [They face] limited inclusion in decision making structures and leadership roles, limited access to reproductive health, higher rates of stigmatization from HIV/AIDS and sexually transmitted diseases, denial of due process rights, abuse of women’s rights in divorce cases, denial of custody of children [and] denial [of] women’s rights of property ownership and inheritance under customary law.” [26]

- 21.03 The Freedom House report, *Freedom in the World 2009, Somalia*, covering events in 2008, released in July 2009, observed that: “Women in Somalia face a great deal of discrimination. Female genital mutilation is still practiced in some form on nearly all Somali girls. Sexual violence is rampant due to lawlessness and impunity for perpetrators, and rape victims are often stigmatized. In October 2008, a 13-year-old rape victim was stoned to death after an Islamic court in Kismayo found her guilty of adultery.” [19c]

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LEGAL RIGHTS

- 21.04 The USSD report for 2008 noted:

“In the country’s overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygyny was permitted. Under laws issued by the former government, female children

100 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

could inherit property, but only half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay just half as much to the aggrieved family as for the death of a male." [2a] (Women)

- 21.05 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI) for Somalia, undated, reported:

"According to the 1975 Family Code, the legal minimum age for marriage is 18 years for both men and women, but women can marry at the age of 16 years with parental authorisation. Reliable statistics are lacking, but early marriage appears to be common. During the last civil conflict, many marriages were arranged with members of the military or tribal chiefs as a means of guaranteeing the safety of the bride's family." [73a]

- 21.06 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on human rights and security in central and southern Somalia, published in August 2007 added:

"NOVIB explained that there is almost general impunity for violence against women in Somalia. Traditional law is not focused on the victim as an individual and women as victims are normally not covered by the compensation system. Even in Hargeisa, Somaliland it is the male who decides whether or not a case should be tried according to traditional law or the legal system." [7e]

See Violence against women, and subsections on Rape and general violence, Redress and Violence against women, Domestic violence

- 21.07 The BBC reported on 20 May 2009 that women in areas dominated by Islamist groups, particularly in places like Kismayo where hard-line interpretations of Shari'a are enforced, are obliged to buy full hijabs, known locally as *jalaabiibs*, in order to be seen in public. [8b]

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POLITICAL RIGHTS

- 21.08 The United Nations Development Fund for Women (UNIFEM), in their *Gender Profile of the Conflict in Somalia*, last updated on 1 March 2007, noted:

"Despite factional fighting, famine and general chaos in their country, Somali women achieved a great success at the Arta Conference in 2000 when women were allowed to represent themselves as a 'sixth clan' at the negotiations, joining four major clans and a coalition of smaller ones. Two years later, UNIFEM helped women delegates prepare for the IGAD sponsored Somalia National Reconciliation Conference in Nairobi, which are ongoing. However, these achievements in the political sphere underscore the need to improve the basic well-being of Somali women who continue to face continuous 'complex emergencies', pervasive violence and harmful traditional practices so women can continue to participate in the stabilization and reconstruction of Somalia at all levels." [33a]

- 21.09 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, (USSD report for 2008), dated 25 February 2009, noted:

“There were 23 women in the 275-seat Transitional Federal Parliament; the number fell short of the requirement stipulated in the TFC [Transitional Federal Charter] that at least 12 percent of parliamentary seats be reserved for women. The minister for gender and family affairs was a woman, as were one state minister and three deputy ministers. In the Somaliland government, a woman held the post of gender and family minister and two women were elected to the lower house of Parliament. There were four women in the 69-seat Puntland Council of Elders, and a woman held the position of minister of gender and family. There were no women in the governing council of the Islamic Courts.” **[2a] (Elections and Political Participation)**

- 21.10 The USSD report for 2008 stated that: “Women’s groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.” **[2a] (Women)**

- 21.11 An article by Afrol, dated 22 January 2007, recounting a socio-economic survey of Somalia by the World Bank and UNDP dated January 2004, noted:

“Female members of the household were also questioned on their participation in women’s groups [?] and local councils. A popular community based women’s group is *uruurka haweenka*, normally formed at district level by female representatives from different communities.

“Only 6.4 percent and 16.8 percent of the urban households and 3.6 percent and 13 percent of the rural and nomadic households confirmed regular and occasional participation in women’s groups respectively.

“Women from 71.2 percent of the households in urban and 78 percent from non-urban areas stated that they had ‘never participated in any women’s group.’ Similarly, their participation rates in local councils were reported to be ‘quite low’, according to the UN survey.

“Even though comparative figures are not available for the pre-war period, the general impression is that these rates represent an upward trend, the survey nevertheless found.” **[32a]**

- 21.12 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on human rights and security in central and southern Somalia, published in August 2007, noted:

“An international organisation (B) explained that there are powerful women in Somalia, but socially such women may be treated badly and their own community may marginalize them. Powerful women of minority origin may even be treated worse than powerful women from major clans.

“An international organisation (B) added that women are not vulnerable just because they are women. A woman’s vulnerability depends on particular

circumstances and it is not right to state that all women in Somalia are vulnerable.

“Abdulle considered that women are still victims of human rights violations throughout Somalia, and they are exposed to all the usual abuses and violations ... In addition the majority of all those being killed and wounded in the recent fighting are women and children.” [7e] (p31)

21.13 Further, in the Danish JFFMR of August 2007:

“An international organisation (C) acknowledged that there are many really strong women in Somalia, but stated that there are a number of cases where even such women have been victims of human rights violations, even from persons within their own family. Women with good jobs in many families are regarded as bringing shame onto the family and can become targets for their own family members. For example, a father may not tolerate that his wife or his daughter has gained a strong position. On the other hand some women know how to manage even if they have been threatened.

“An international organisation (C) added that even local NGOs in Somalia, that defend the rights of women, put themselves at risk and such NGOs can be attacked.” [7e]

21.14 The Danish JFFMR of August 2007 noted: “An international organisation (C) explained that if a woman is left without a husband’s protection she is in concrete danger, especially if she is an IDP, and belongs to a minor or weak clan or an ethnic minority group.” [7e] (p32)

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SOCIAL AND ECONOMIC RIGHTS

Marriage

21.15 The OECD SIGI, for Somalia undated noted that:

“The Somali Family Code provides very little protection for women. According to the 1975 Family Code, the legal minimum age for marriage is 18 years for both men and women, but women can marry at the age of 16 years with parental authorisation. Reliable statistics are lacking, but early marriage appears to be common. During the last civil conflict, many marriages were arranged with members of the military or tribal chiefs as a means of guaranteeing the safety of the bride’s family.

“Polygamy is permitted under Somalia’s customary and religious systems. Under the civil system, men who wish to take a second (or subsequent) wife must obtain authorisation from a district court of justice. Authorisation is granted if the first wife is ill or sterile, has been imprisoned for more than two years or has been ‘unjustifiably absent’ from the marital home. It is also given in the case of ‘social necessity’, which is not defined in the source documents.

“According to civil legislation, men head their families and have sole parental authority. If a couple divorces or separates, the mother is typically granted

custody of boys up to the age of 10 years and girls up to the age of 15 years.” [73a](p1)

- 21.16 An article by Afrol, dated 22 January 2007, noted that Somali women are now more involved in household decision making than before the civil war started in 1991. The article explains:

“The new socio-economic survey of Somalia, the first such report in over two decades, earlier this week was released by the World Bank and the UN’s development agency (UNDP). While mapping the participation of Somali women in decision-making processes, the UN agencies found that more than one decade of political chaos had left women with some more powers, although still very limited.

“Traditionally, Somali women [have] been ‘considered to play a passive role in both family and public spheres’, the survey notes. However, it is now thought that they are becoming more active in the economic and social front after the civil war.

“The survey schedule therefore had incorporated a section to assess the role of women in household decision-making and their participation in various economic and social activities. These questions were administered only to the female members of the households.

“Women are either consulted or they make decisions on purchasing durable/semi-durable household items (73 percent), entertaining guests (68 percent), supporting relatives (77 percent), spending on ceremonies (71 percent), managing the family budget (79 percent), educating children (81 percent) and selling household produce (50 percent), the survey found.

“On the other hand, Somali women were left to make final decision only in very few issues. When it came to spending and budgeting, only around 20 percent of the surveyed women said they were left to ‘make decisions’. Only 8 percent were left to decide on selling household produce.” [32a]

- 21.17 However, the article also noted that while women’s participation in decision-making processes was increasing, general social conditions for Somalia’s women have ‘rapidly deteriorated’ during the years of no central government:

“Social services are close to non-existing as there is no central or regional government. As a result of this, only 13 percent of Somali girls are now enrolled in primary schools. Further, access to medical aid has severely deteriorated. For birth-giving women, the decay of social services has been extra hard, as almost two in every 1000 women die giving birth.

“The survey results show that most childbirth takes place without adequate medical facilities. ‘In fact, for the country as a whole, 88.2 percent of childbirths during one year prior to the survey took place at home; only 8.8 percent were in hospitals or other health facilities’, the UN report says.

“Medical assistance is usually absent during childbirth in rural and nomadic areas as only about 0.5 percent deliveries are handled at hospitals or other health facilities, the survey says. ‘This appears to be mainly due to lack of

access to adequate health facilities. Only 2.9 percent of the rural and nomadic households confirmed the availability of a hospital'.

"The main sources of assistance during childbirth are traditional birth attendants. About 43 percent of all childbirths in urban and 61 percent in rural and nomadic areas are attended by these attendants.

"Health facilities however exist. About 95 percent of the urban population and 60 percent of the rural and nomadic population had confirmed the availability of at least one health facility within an average distance of 1.3 km and 2.4 km respectively. Half of the households also found the affordable [sic]." [32a]

- 21.18 The UNHCR's position paper of January 2004 noted that women face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak Somali without an unfamiliar accent. [23a] (p10)

Dress

- 21.19 The OECD SIGI report stated: "Customary laws also restrict women's freedom of dress: the Islamic courts have applied Sharia law very strictly, obliging women to wear the veil. Many women opt to veil themselves as a protection against rape." [73a](p2)

See section on Judiciary, [Shari'a](#)

Property ownership

- 21.20 The OECD SIGI report noted:

"Before the current civil war began, the government of Somalia adopted inheritance rights based on the principles of Sharia law. As a result, daughters inherit only half the amount awarded to sons. No information is available about the inheritance rights of widows....Somali women encounter significant discrimination in regard to property ownership. When a woman marries, she becomes the property of her husband and his tribe, although she does retain a few ownership rights relating to her family and tribe of origin.

"Access to land is governed by Sharia law and patriarchal ideology. Women are largely excluded from owning land: it is the collective property of the family and is passed from father to son. Married women also have major difficulties gaining access to property other than land. This has changed recently because of large-scale male emigration; a significant number of Somali women now head their families and are thus entitled to become land owners. The civil conflict in Somalia has resulted in women playing a more important role in economic activities; they are strongly represented in such sectors as retail.

"Tradition restricts Somali women's access to bank loans." [73a](p1,2)

Trafficking of women

- 21.21 The USSD *Trafficking in Persons Report 2009*, published on 16 June 2009 states that, under 'Special cases', Somalia is listed as a country of particular concern:

"Somali women are trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and, to a lesser extent, commercial sexual exploitation. Female Somali refugees residing in Yemen are trafficked by Somali men into prostitution in Aden and Lahj governorates. Somali men are trafficked into labor exploitation as herdsman and menial workers in the Gulf States. Some Somalis transit Djibouti to reach Yemen. ...Members of the Somali diaspora use fake offers of marriage to traffic unsuspecting victims, many of whom are relatives, to Europe for commercial sexual exploitation. Ethiopian women are trafficked through Somalia to Yemen and onward to other destinations in the Middle East for forced domestic labor and sexual exploitation." [2e] (Special cases – Somalia, p307)

See [Trafficking](#) for wider overview

Prostitution

- 21.22 Prostitution is illegal and there were no statistics on its prevalence. (USSD report for 2008) [2a] IRIN published a series of reports on prostitution in Somaliland in March/April 2009. One reported the link of khat addiction and prostitution (IRIN, 14 April 2009) [10ad] Another report emphasised that many sex workers were vulnerable to contracting HIV, especially as condom use was low, sex workers were vulnerable to violence, lacked support networks and have difficulty, because of social stigma, accessing health services. (IRIN, 31 March 2009) [10av]

VIOLENCE AGAINST WOMEN

- 21.23 As Female Genital Mutilation is typically practised on female children between four and seven years it is covered in the section on Children, [Female Genital Mutilation](#) (FGM).

Rape and general violence against women

- 21.24 The OECD SIGI entry for Somalia stated in general terms: "The physical integrity of Somali women is insufficiently protected. It is very difficult to obtain statistics to assess the scale of violence against women, but it is believed to be widespread. As there is no legislation that specifically covers domestic violence, family conflicts are addressed under customary and Sharia laws." [73a]
- 21.25 The report of Shamsul Bari, an independent expert appointed by the UN General Assembly Human Rights Council to report on the situation of human rights in Somalia, published on 24 February 2009, includes a general note on sexual and gender-based violence (SGBV):

"Traditionally, these violations are seldom reported. However, Somali NGOs working with SGBV-victims indicated to the United Nations that this type of violence occurs on a daily basis by different controlling authorities, as part of the conflict, e.g. during cordon and search operations, or in other circumstances, often in IDP camps. Women and young girls are doubly

106 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

affected, since they have no effective justice and support system to turn to and the traditional conflict resolution mechanisms at the clan level do not provide them with the necessary protection. This is because SGBV is treated more as a civil dispute than a criminal matter in Somalia.” [72a](p15, paragraph49)

- 21.26 Within published reports, there is a debate about whether violence towards women, particularly rape, is a mechanism of intimidation in clan conflict; how frequently such violence occurs; how common rape is as part of general criminality. All published reports however agree that rape is committed with impunity, with any redress only given in terms of clan compensation and not to the victim; that the victim is socially stigmatised; and women who are IDPs are particularly at risk. The USSD report for 2008 summarised the position of women thus:

“Laws prohibiting rape exist; however, they were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in rape, and rape was commonly practiced in interclan conflicts. Traditional approaches to dealing with rape tended to ignore the victim’s situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator’s and the victim’s clans. Victims suffered from subsequent discrimination based on attributions of ‘impurity.’ Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. In March the UNIE reported that in Mogadishu and Kismayo IDP women and girls, particularly those belonging to minority groups, were increasingly becoming the targets of sexual violence by youth gangs. In Somaliland gang rape continued to be a problem in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. Many cases were not reported.” [2a] (Section 5)

- 21.27 On the issue of impunity, the Danish JFFMR of August 2007 stated that: “The culprits are not prosecuted and enjoy impunity.” [7e](p32) The LandInfo report of November 2008 on impunity stated: “Escaping punishment for violence against women is extremely common, both because traditional law does not focus on the victim and because women’s rights are not protected in the same way as men in the compensation system (interview, Oxfam Novib, March 2007).” [45d] (p18, s.3.9.2)

- 21.28 The Danish JFFMR of August 2007 continued that:

“AI reported in May 2007 that refugees interviewed in Dadaab refugee camp in Kenya ‘were particularly concerned about sexual and gender based violence against women and girls.’ According to AI these concerns are reflected in reports from NGOs working with IDPs in Somalia. AI reported about the mother of two teenage daughters who were both raped by members of an armed group who were manning a road block that they encountered while fleeing. The mother explained that rape by members of armed groups (mainly clan-based) manning road blocks was common.” [7e] (p32)

- 21.29 The Danish Joint Fact-Finding Mission report on Somalia, published in August 2007, noted:

“An international organisation (A) explained that rape is no longer widespread in Somalia. Generally it is only members of militias and bandits who would rape a woman. They will do this with impunity ... The culprits were typically militiamen at check points or individual militiamen who would approach their victims when they went to fetch water or went on their own to the toilet during the night. The women are fairly safe inside the settlement where they are together with many other people. The culprits are not prosecuted and enjoy impunity.” [7e] (p32)

- 21.30 The LandInfo report of November 2008 has updated information about the issue of rape in Somalia, and stated:

“Some of the international sources that Landinfo met in June 2008 believed that rape is a tool in the conflict, but no distinct groups or clans appear to be particularly subjected to sexual violence. How widespread the assaults are is also unclear, but no increases in rape have been registered in for example the Keysaney hospital in Mogadishu. This does not necessarily mean that the number of rapes has fallen, since rape is associated with shame, and women rarely speak of the attack. Opportunities to open criminal proceedings against the perpetrators are also rare because the perpetrators are unknown in most cases. The rapes are committed by government soldiers, freelance militia and other criminal elements. It is claimed that government soldiers are more often responsible for the rapes than the insurgents, and that the Islamists commit such offences to a lesser extent than others (interview June 2008).” [45d] (p18, s.3.9.2)

- 21.31 On the issue of perpetrators of rape, the Danish Joint Fact-Finding Mission report continued: “Dr. Bourzat explained that the UIC [in 2006] permitted its Jihad-fighters to spend the night with a girl before they were sent off to fight against the Ethiopian troops and the TFG. This was very dishonourable for the families of these girls and Bourzat described it as rape. This abuse has serious consequences for the victims and their families, especially since the UIC has been defeated.” [7e] (p33) There have been accusations of rape made against Ethiopian soldiers since their occupation in Somalia [41a] (Hiraan Online, **Somali woman accuses Ethiopian soldiers of rape and torture, 13 March 2007**).

- 21.32 An article published by UNHCR News, dated 25 October 2007, highlighted that: “sexual violence remains part of daily life in many settlements where internally displaced people (IDPs) gather.” The article explains: “In a society where rape is taboo, perpetrators are rarely brought to justice. Cases are usually dealt with through traditional means, with the attacker having to pay compensation to the victim’s father or husband, but never to her. ‘When raped women come, they are so ashamed that they feel as if they were already dead,’ the nurse explained.” [23f]

- 21.33 The OECD SIGI for Somalia noted:

“Although there are laws prohibiting rape, these are not generally applied, and there is no legislation against spousal rape. Traditional approaches to dealing with rape typically involve making ‘arrangements’ between the clans

of the victim and the rapist. Such arrangements rarely take into account the situation of the victim. This leaves women in a precarious position as rape victims are considered to be 'impure' and are subjected to social discrimination." [73a]

21.34 The Danish JFFMR of August 2007 observed that:

"Women who have been sexually abused or raped are stigmatised, according to NOVIB. ... A married woman who has been the victim of rape may also risk being divorced by her husband. NOVIB added that divorced women might be stigmatised, depending on their particular situation. NOVIB added that even though rape of women and killings comprise the majority of the reported human rights violations in Somalia many rapes go unreported." [7e] (p32)

21.35 The Danish JFFMR of August 2007 also stated that: "Lazzarini [Oxfam NOVIS source] referred to a network called Protection Monitoring Network (PMN), which undertook a research of Sexual Gender-Based Violence (SGBV). The research covered 600 reported cases of rape. After a period of six months 10% of the assaulted women had committed suicide and 25% had disappeared." [7e] (p32)

21.36 The Danish JFFMR of August 2007 added that:

"An unmarried and raped woman will typically meet a demand from her own family and clan to marry the rapist as she will not have a chance to marry anyone else. As a consequence many rapes go unreported by the women. An unmarried woman who gets raped and refuses to marry the rapist may face severe consequences from her own family and clan, and she may be excluded from the clan." [7e] (p32)

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Domestic violence

21.37 The USSD report for 2008 noted:

"Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination." [2a] (Women)

21.38 The OECD SIGI for Somalia, undated, observed "Sexual violence within Somali households appears to be a serious problem, and is linked to the general issue of gender discrimination." [73a]

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22. CHILDREN

OVERVIEW

- 22.01 Somalia has signed but not ratified the UN Convention on the Rights of the Child (2002) and its optional protocol on the involvement of children in armed conflict (2005) (United Nations Treat collection, continuously updated, accessed on 1 September 2009). [62a]
- 22.02 UNHCHR, in its report dated 13 September 2006, noted:
- “The human rights of Somalia’s children are threatened and violated on many fronts. Infant mortality is the highest in the world and enrolment for school-age children is about 22 per cent, according to UNICEF figures. Children in IDP camps are malnourished and often at risk of assault, abuse, exploitation and rape. Children are imprisoned (often with adults); children of minority groups and clans face discrimination and abuse, child labour is rampant, and the basic needs of children with physical and mental disabilities are not met. There are reportedly scores of homeless and orphaned children on the streets and in the camps in Somalia. The recent upsurge of fighting between rival militias in Mogadishu has resulted in the loss of lives of innocent civilians, including many children and an increase in the number of IDPs. This militia also recruit children from schools and the streets for their militias. [4a] (The human rights of children)
- 22.03 The UNHCR’s paper of January 2004 stated that children and adolescents face particular challenges upon return to Somalia after a long stay in exile, which may have changed some of their habits and affected their ability to speak Somali without an unfamiliar accent. The same source referred to a 2003 UN-OCHA report about the experience that stated that: “Bi-cultural separated Somali minors who are returned to their homeland under duress or through deception are in danger of harassment, extortion, rape and murder.” Perceived unacceptable and culturally insensitive behaviour by girls results in harsher discrimination and punishment than for boys. [23a] (p10)
- 22.04 The UN Security Council’s May 2008, *Report of the Secretary-General on children and armed conflict in Somalia*, notes that: “Children over the age of 15 are considered adults, and therefore it is culturally acceptable for boys to carry arms and for girls to work, usually in a domestic or logistics capacity, for armed groups.” [3e] (p5, section 22)
- 22.05 The UNICEF website, country page on Somalia undated, accessed on 1 June 2009, identified a number of issues that children face in Somalia:
- “Infant and maternal mortality rates are among the world’s highest. The under five mortality rate is a staggering 225 per 1,000 live births. The main causes of death are diarrhoeal diseases, respiratory infections and malaria (an estimated 87 per cent of Somalis are at risk of malaria).
 - Less than 30 per cent of the country has access to safe water. Malnutrition is rampant; acute malnutrition afflicts 17 per cent of children.

110 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

- The nomadic lifestyle of Somalia's rural population makes regular immunization programmes difficult to implement. Measles and cholera are serious threats against which few have been vaccinated.
- Net primary school enrolment is estimated at only 13 per cent for boys – and only 7 per cent for girls.
- Clan rivalries have internally displaced 375,000 people, forcing them into tenuous living situations where they face hunger and human-rights abuses." [27a] (Background)

See [Child soldiers](#)

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LEGAL RIGHTS

- 22.06 The USSD report for 2008 states: "Authorities were generally not committed to children's rights and welfare. There was some progress on the child justice bill in the TFP; however, it was not passed at year's end." [2a] (Section 5: Children)

Judicial and penal rights

- 22.07 The USSD report for 2008 noted that juvenile prisoners and detainees were "frequently" held with adult prisoners and the "incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem." [2a] (Prison and Detention Center Conditions) The 2008 report added:

"In its March [2008] report, the UNIE noted with concern the continued practice of *asi valid*, a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults. A UNICEF monitoring trip at the beginning of the year [2008] revealed that many children were imprisoned in Somaliland, most without passing through the court system, usually for disobedience to parents or for petty crimes. UNICEF and the UNDP started a project to provide the children with legal assistance and have as many as possible released." [2a] (Children)

See [Prison conditions](#)

VIOLENCE AGAINST CHILDREN

- 22.08 The US State Department *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008) noted:

"During the year numerous attacks on schoolchildren, teachers, and schools were reported across the country. TFG/ENDF forces, al-Shabaab and other antigovernment groups were all responsible for targeted attacks. On August 26, TFG security forces stormed the SYL Primary and Secondary School firing indiscriminately and injuring five students and two teachers. They purposely destroyed school property and stole money. The incident occurred after an unidentified gunman killed a TFG soldier near the school. On the same day, TFG forces entered Imam Shafi'i Primary School and fired shots at the students and teachers. There were no injuries. Al-Shabaab and armed militia associated with the former UIC attacked schools and killed teachers and education workers in the country." [2a] (Section 5: Children)

22.09 The USSD report for 2008 added:

“Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their families, as did 17 percent of children in the general population. During the year child abuse and rape remained a problem ... Child prostitution was practiced; however, because it was culturally proscribed and not reported, no statistics were available on its prevalence.

“Children remained among the chief victims of continuing societal violence. Child protection monitors verified that hundreds of children were killed or injured during the year as a direct result of conflict.

“Militia members raped children during the conflict and departure of civilians from Mogadishu ... All parties to the conflict recruited and used child soldiers” [2a] (Section 5: Children)

22.10 The UN SC report of May 2008 gives statistics of children killed and wounded, stating that in the period May 2007 to May 2008, 125 children killed and 217 wounded by weapons. [3e] (p6, section 26) An article in the *Yemen Times*, 10 October 2008, details the plight of Mogadishu street-children relaying the stories of shoe shiners operating at the K4 roundabout, and their fears of being caught in cross-fire. [48a]

See [Prostitution](#) and [Judicial and penal rights](#)

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Trafficking of children

22.11 The USSD report for 2008 stated:

“Somali children were reportedly trafficked to Djibouti, Malawi, and Tanzania for commercial sexual exploitation and exploitative child labor. ... Armed militias reportedly also trafficked women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation. ... Because of an inability to provide care for all family members, some Somalis willingly surrender custody of their children to persons with whom they share family relations and clan linkages. Some of these children may become victims of forced labor or commercial sexual exploitation.” [2a] (Trafficking in Persons)

22.12 The USSD *Trafficking in Persons Report 2009*, published on 16 June 2009 states that, under ‘Special cases’, Somalia is listed as a country of particular concern:

“During the year, the widespread use of children in fighting forces in the country was noted; the extremist groups opposed to the TFG conscripted and recruited children as young as eight years of age, including girls, for use in armed conflict, including soldiering, planting bombs, carrying out assassinations, portering, and domestic servitude. There were reports that

militias loyal to the TFG or associated with members of the TFG conscripted children. Armed militias also purportedly traffic Somali women and children within the country for sexual exploitation and forced labor. Because of an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or commercial sexual exploitation. There are anecdotal reports of children engaged in prostitution within the country, but the practice is culturally proscribed and not publicly acknowledged. ... Somali children are reportedly trafficked to Djibouti for commercial sexual exploitation and forced labor, as well as to Saudi Arabia through Yemen for forced begging.” [2e] (Special cases – Somalia, p307)

- 22.13 The UN Secretary-General's *Study on Violence towards Children* stated, in *A Situational Analysis of Child Trafficking in East Africa*:

“Somalia abides by Sharia law, which prohibits various forms of trafficking. No cases have been tried however, mainly due to the lack of capacity among government officials in the area of trafficking. Several NGO's are actively working with internally displaced persons, of which some may be trafficking victims. There are no organizations working specifically to tackle the issue of trafficking in children.” [62a]

- 22.14 The same report added:

“A recent IRIN special on separated Somali children examined the smuggling of Somali children to Europe. [*In-Depth: Separated Somali Children* dated January 2003] The situation in Somali territories means that child smuggling is on the rise in an environment which enables rather than limits international criminal networks. The study addressed the exploitation experienced by many of these children upon arrival in destination countries, a consequence of being unaccompanied and without protection. These children are left vulnerable to trafficking, and many have gone missing.” [62a]

See [Trafficking](#) for wider overview

Female Genital Mutilation (FGM)

- 22.15 Though there have been more recent studies that have summarised keys aspects of FGM issues, the most comprehensive source found is the World Bank study of November 2004, [Female Genital Mutilation / Cutting in Somalia](#). [76a]
- 22.16 Sources agree that FGM is widespread in Somalia, with the LandInfo study of December 2008 quoting World Bank and UNFPA 2004, stating estimates of between 80 and 98 per cent of Somali women [45c] (p12); the USSD report for 2008 has stated “as many as 98 percent” [2a] (Section 5 – Women); the Population Council's *Population brief* of December 2008 stated “nearly all Somali girls”. [75a]
- 22.17 The USSD report for 2008 and the LandInfo report both stated that most women have been subjected to infibulation, which the USSD report for 2008 described as “the most severe form of FGM”. (USSD report for 2008) [2a] (Section 5 – Women); likewise, the LandInfo report (LandInfo Report 2008) [45a] (p23) Though the LandInfo study stated: “Some sources ... claim to have

observed a transition from infibulation to *sunna* [excising of part of the female genitals] in recent years, however it is difficult to ascertain with any degree of certainty how extensively patterns might have changed. *Sunna* is common among the Benadir population in the coastal areas. In these population groups, the procedure is performed on newborns (ibid).” [45c] (p12) The World Bank 2004 study rejects the use of the term *sunna* as the authors consider it a euphemism that grants the practice a false sense of religious obligation and acceptance. [76a](p18) The World Bank 2004 study states: “Type II or excision of the clitoris accounts for 80 percent of all operations in Africa. Among Somali and Sudanese women, 80 to 90 percent undergo type III or infibulation, which accounts for only 15 percent of cases in Africa. Ethnic Somalis in Kenya and Ethiopia practice infibulation which is also common among other ethnic groups in Ethiopia and Eritrea.” [76a](p17)

The Somali term for infibulation is *gudnin fircooni*. (IRIN, 3 November 2008)[10v]

- 22.18 These findings on numbers of women affected by and the different forms of FGM used are reflected in older material, such as the JFFMR March 2004, which stated:

“According to Jones [Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People’s Aid (NPA), Horn of Africa Programme], FGM is still the norm in Somalia. The main mode of the FGM is the ‘pharaonic’ form [infibulation], but still many would claim that they only practice ‘Sunna’ which is a lighter version of FGM. Jones stated that this was done from a business point of view, explaining that people promoting ‘Sunna’ would receive financial support. In reality, however, girls are circumcised in the same manner as usual, i.e. ‘Pharaonic’ style. ... Nearly 100% of women are affected by FGM in Somalia. Jones did not expect that any significant change would emerge in this respect during the next 15 years, even though some modest progress has been made in some areas. It was emphasised that it is extremely difficult to change the attitude towards FGM, and providing education and information to young girls might be the only way to make any impact on the issue.” [7c] (p33)

- 22.19 The World Bank 2004 study summarised information about the practitioners of FGM:

“In most parts of Somalia, traditional circumcisers, *guddaay*, conduct most operations. The number of professional health providers who circumcise girls is also increasing. Interviews with two members of the Professional Nursing Association in Mogadishu revealed that almost all the association’s members carry out a ‘milder form of circumcision’ for a fee. They also discourage the work of traditional circumcisers and the Pharaonic FGM/FGC. Complications arising from FGM/FGC are turning more families towards health providers, trained TBAs and nurses who perform whatever type of FGM/FGC parents’ desire. This medicalisation of FGM/FGC started at the dawn of Somalia’s independence when a Lebanese medical practitioner, began circumcising girls in Martini Hospital in Mogadishu under sterilized and anaesthetic conditions. He claimed to minimize damage and dangers associated with FGM/FGC. He conducted partial or total clitoridectomies without infibulations for those who demanded ‘Sunna’ circumcision. Other health providers emulated him, spreading services to Mogadishu’s elite. WHO, UNFPA and UNICEF condemn health providers who perform FGM/FGC.” [76a](p19)

- 22.20 The age when FGM is performed is in later childhood: the LandInfo report of December 2008 stated that it is usually between the ages of five and eight in Somalia generally and much older in the Somali diaspora [45c] (p13); the JFFMR March 2004 states between the ages of four and seven [7e] (p33); an IRIN report of February 2009 stated that full infibulation at about five to seven years, was practised in Dadaab camp, Kenya. [10ay] The World Bank 2004 study noted that “Girls are now circumcised between the ages of five and eight, often within the privacy of their homes.” [76a](p19)
- 22.21 The LandInfo report of December 2008 has detail about the amount of societal pressure on families to perform FGM. [45c] (p14-15) An IRIN report of February 2009 highlights a mother’s fears for her daughters, as she has resisted FGM coercion; her family is still facing societal discrimination in Dadaab refugee camp, Kenya. [10ay]
- 22.22 The Danish Refugee Council and the Danish Immigration Service, in their Joint Fact-Finding Mission report on human rights and security in central and southern Somalia, published in August 2007, noted: “In case the father or brother (in the father’s absence) decides not to go through with the FGM of the daughter/sister the father/brother will be attacked by family or clan members. Anti-FGM is in Somali translated into ‘anti-purity’ ... It was added that a girl who has not undergone FGM would be very difficult to marry off.” [7e] (p32)
- 22.23 The LandInfo report of December 2008 added: “In Somalia, genital mutilation is not a rite of passage that marks the transition from child to adult. The practice is linked to tradition and notions about purity, virginity and control of unwanted sexuality.” [45c] (p12) The LandInfo comment effectively summarises a complex, detailed explanation within the World Bank 2004 study, on perceptions of purity and other reasoning behind the practice. [76a](pp22-25)
- 22.24 The JFFMR March 2004 noted:
- “[Jones] stated that, until recently, no NGOs worked with FGM in Somalia. Presently there are several NGOs that are addressing the issue of FGM. Jones explained that NPA [Norwegian People’s Aid] is one of a small number of NGO’s in Somalia, which attempts to educate people with the purpose of eradicating FGM. NPA seeks to change the culture of FGM by educating young girls. However, Jones explained that it is very difficult for girls in primary schools to complete their education due to them being kept at home to undertake domestic duties. It was suggested that boarding schools might be the only way to enable girls to focus on their education without their parents interfering.” [7c] (p32)
- 22.25 The World Bank 2004 study contains a large annex (Annex A) of profiles of organisations “working on the eradication of FGM/FGC in Somalia” around 2004. [76a](p73-112) Such organisations have worked in a variety of different geographical areas, such as amongst Somali populations outside Somalia: for example, the USAID /Population Council, Frontiers in reproductive health initiatives in 2008 in the north-eastern area of Kenya, among Somali refugees. Frontiers’ various initiatives worked with many different groups involved in FGM issues, such as healthcare professionals. (USAID, April 2008) [13c](p5) A December 2008 article in the Population Council’s

Reproductive Health briefing outlines in more detail the work with Somalia Muslim scholars. [75a] Though not a religious obligation, and condemned as a practice by many imams within the wider Islamic world, at a local Somali level there is some confusion of religious and traditional obligation within the reasoning for FGM. The Population Brief stated:

“When asked about the rationale for FGM/C, members of the Somali community in Kenya cited several reasons, chiefly that FGM/C is a Somali tradition as well as an Islamic requirement (even though the majority of Muslims globally do not practice FGM/C). Community members indicated that they were ready to listen to religious scholars and would be prepared to stop any practices that are not in line with Islamic teachings.” [75a]

- 22.26 Education and discussion about FGM has been organised on occasion in southern / central Somalia; for example, a two day symposium held in Mogadishu on 4-5 February 2007, organised by Save Somali Women and Children (SSWC). [44a]
- 22.27 The USSD report for 2008 noted that: “In Somaliland FGM is illegal; however, the law was not enforced.” [2a] (Section 5 – Women) Organisations such as the Network of Anti-FGM in Somaliland (NAFIS) are permitted to engage in awareness campaigns; Muslim scholars have also been persuaded to denounce FGM as *haram* (prohibited). (IRIN, 3 November 2008) [10v]
- 22.28 The USSD report for 2008 noted that: Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.” [2a] (Section 5 – Women) An IRIN article dated 7 April 2008 noted that local organisations, such as We Are Women Activists (WAWA) in Bossasso, were developing in Puntland to support women objectors and to lobby for FGM’s eradication. The article added “Puntland officials said they were encouraging civil society organisations to fight FGM and making it part of the fight for human rights and women’s rights.” [10s]

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Child soldiers

- 22.29 The USSD report for 2008 stated: “The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year.” [2a] (Children) OCHA, in its Protection Factsheet dated December 2007, notes:

“The recruitment of children into armed militia has been a reality in Somalia for the last several years. It escalated in Mogadishu and other urban centres of south/central Somalia during the recent conflict [post October 2007]. Eyewitnesses, child protection monitors and media have reported armed children, mostly between the ages of 14 and 18 (though some as young as 12), working checkpoints and visible on the back of militia vehicles. Recruitment has been carried out by all parties to the conflict.” [26h]

- 22.30 During the fighting in December 2006, it was reported that the Union of Islamic Court [UIC] closed schools and recruited children and teenagers into its militia. There are reports that these suffered a high level of casualties, as they opposed the professional army of Ethiopia. This led, indirectly, to clan leaders withdrawing their support from the UIC. (IRIN, 2 January 2007) [10i] (p1-2) The UNSC's report of May 2008 suggests that though attacks on schools and hospitals have not been a major feature of the post-February 2007 conflict, incidents have occurred (the TFG raids in July and August 2007) and are on the rise, citing attacks in mid-May 2008. [3e] (p9, section 40-41)

See [Education](#) , [Latest news](#)

- 22.31 The USSD report for 2008 stated:

"Children continued to be recruited into militias by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. The May UN Security Council report of the secretary general on children and armed conflict in Somalia cited TFG, local administrations, former Union of Islamic Courts (UIC) and al-Shabaab as having continued recruitment of boys and girls as young as eight into their militias. According to the report, a boy of 14 orphaned in the conflict worked at a TFG checkpoint and was paid 30,000 Somali shillings (\$0.50) a day. The report also mentions a 16-year-old girl who was recruited, trained for three weeks in Hilweyne, and officially became a member of the TFG military. Similarly, al-Shabaab conscripted children into armed conflict and military operations in addition to using them to plant roadside bombs and other explosive devices. According to the UN report, al-Shabaab recruited children as young as eight from schools and madrassas and trained them to plant bombs and carry out assassinations for financial reward." [2a] (Children)

- 22.32 The report added:

"In July 2007 the UN Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance; however, there was no progress in demobilizing child soldiers.

"The TFG pledged to address child recruitment when ministers signed the Paris Commitments in February 2007; however, all parties to the conflict, including the TFG, continued to recruit child soldiers during the year. UNICEF continued its public outreach program with radio broadcasts to highlight the problem of child soldiers." [2a] (Children)

- 22.33 An IRIN report of 9 July 2009 stated that many of the IDPs flowing through Dholeb, estimated to be between 8,000 and 15,000 people between early May to early July 2009, are "young men trying to avoid being conscripted into the various militias". [10n]

- 22.34 The BBC reported on 29 July 2009 that the issue of child soldiers was apparent in the latest round of conflict, and stated that there was "widespread alarm that the practice is now becoming entrenched in Somalia." [8a] The article also stated:

"Children as young as eight years old are going missing. Some are drugged, others brainwashed and some paid [US]\$50 (£30) for every month they fight. Most people are frightened to speak openly, but those who can afford it are sending their children out of the country to safety. ...A Mogadishu resident says he has seen 10-year-old children on street corners in Mogadishu armed with AK47s. 'A child of about 12 years old, armed with a gun and a whip works at a crossroads in Mogadishu's Bakara market,' he says. 'The boy stops public transport and checks if there are men and women passengers sharing the seats. If he finds them, he tells them to get off the bus and flogs them in public while other members of al-Shabab sit under roadside trees nearby'." [8a]

- 22.35 In July 2009, President Sharif particularly accused the insurgent forces of using 'child soldiers'. (Garowe Online, 1 July 2009) [35bm]

CHILDCARE AND PROTECTION

Orphans

- 22.36 An IRIN report published in June 2001, principally focusing on Somaliland, noted there were very few orphans in Somali society. Few children were abandoned, even during the hardest of times. It is explained that before the introduction of the modern nation state, the clan structure effectively prevented the very concept of 'orphan' – relatives would take in a child who had lost its parents. Within Somalia a case of pregnancy outside of marriage is almost unthinkable; however, the report refers to a Somaliland social worker's comment that: "Urbanisation, prostitution and drugs are the most common reason now for unwanted pregnancies." [10a]
- 22.37 The IRIN report of June 2001 noted that after reaching 15 years of age Somali children were considered to have reached the age of independence, and were unlikely to be kept in orphanages; this left orphaned teenagers with very little support. With regard to the possibility of adoption, the report suggested that the clan structure worked prohibitively against adoption, a practice that was not regarded as a 'cultural norm.' [10a]
- 22.38 In February 2004, IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10c]

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EDUCATION

- 22.39 As recorded in Europa World, accessed on 22 April 2009:
- "Following the overthrow of Siad Barre's Government in January 1991 and the descent of the country into anarchy, Somalia's education system collapsed. In January 1993 a primary school was opened in the building of Somalia's sole university, the Somali National University in Mogadishu (which had been closed in early 1991). The only other schools operating in the country were a number run by Islamist groups and some that had been reopened in 'Somaliland' in mid-1991." [1a] (Education)
- 22.40 The USSD report for 2008 continued the account of education in Somalia:

“Less than 30 percent of the school-age population attended school, according to UNICEF. Because of insecurity, there has not been a school survey conducted in Mogadishu since 2006, but school enrollment rates were lower than in 2007. UNICEF reported that more than 60 percent of schools in Mogadishu were closed and the remaining schools operated with reduced enrollment and attendance as many parents withdrew their children because of security concerns. Since the collapse of the state in 1991, education services have been partially revived in various forms, including a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports that they required the veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.”

[2a] (Children)

Religious schools

22.41 The USSD report for 2008 added:

“In Somaliland religious schools and places of worship must obtain the Ministry of Religion’s permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing. However, on April 13, a militia reportedly affiliated with al-Shabaab killed four Christian teachers at their school in Beledweyne.”

[2a] (Legal/Policy Framework)

22.42 During the intensified conflict of 2008, IRIN reported on 3 September 2008 that schools closed temporarily in Mogadishu as part of a three-day protest because they had been targeted in the latest fighting in the city. Ninety per cent of schools were affected. A civil society activist stated that the education system was “almost broke”. He mentioned that two dozen schools had been destroyed in the last two years. While a spokesman for an umbrella organisation of education networks in Mogadishu stated: “After the collapse of Somalia’s central government in 1991, schools and universities were destroyed as the city was torn apart by militia. But private schools have been gradually re-established over the past few years. In the past 18 years we have not experienced these kinds of [recent] attacks on schools.”

[10z] The report of Shamsul Bari, an independent expert appointed by the UN General Assembly Human Rights Council to report on the situation of human rights in Somalia, published on 24 February 2009, stated that:

“Somalis have managed to organize an independent schooling system in many places, giving children a chance to enjoy basic education. In the last

two years, however, these institutions have also been targeted by both sides to the conflict. In October and November 2008, TFG forces have reportedly closed down 34 schools, including 7 universities, for security reasons, preventing some 30,000 students from attending classes. The fact that the Deputy Prime Minister of Somalia had to publicly condemn these closures also indicated the lack of coordination between different branches of the Government that should work in a concerted team spirit.” [72a](p15, paragraph51)

- 22.43 The USSD report for 2008 noted: “There were few functioning universities in Somalia – three in Mogadishu, three in Somaliland, and three in Puntland. There were dozens of others that existed only in name. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required to conduct academic research.” [2a] (Academic Freedom and Cultural Events)

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CHILD LABOUR

- 22.44 The USSD report for 2008 noted:

“The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

“The recruiting and use of child soldiers was a problem (see section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce – 31 percent of males and 41 percent of females. The actual percentage of working children was believed to be higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

In Somalia the Ministries of Labor and Social Affairs and Gender and Family Affairs were responsible for enforcing child labor laws. In Somaliland it was the Ministry of Family and Social Development and in Puntland it was the Ministry of Labor, Youth and Sports. In practice none of these ministries enforced these laws.” [2a] (Prohibition of Child Labor and Minimum Age for Employment)

- 22.45 IRIN reported in March 2009, the case of a 12-year-old girl who washes windscreens in Hargeisa, Somaliland, noting that a local NGO has stated that over 30 per cent of children in Somalia are engaged in some form of work. [10ar] An IRIN report of 14 July 2009 highlights the situation of a 14-year-old boy who was the sole income-earner of a large household in Mogadishu, noting that “The situation for orphaned and vulnerable children such as Sid is especially critical in Somalia as there is no government support and assistance for them. The absence of a central government since the ousting of President Siad Barre in 1992 resulted in the collapse of the government's support system for the vulnerable across the country.” [10j]

HEALTH AND WELFARE

120 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

- 22.46 UNICEF, in an article (undated) outlining the background of health care in Somalia, stated:

“Infant and maternal mortality rates are among the world's highest. The under five mortality rate is a staggering 225 per 1,000 live births. The main causes of death are diarrhoeal diseases, respiratory infections and malaria (an estimated 87 per cent of Somalis are at risk of malaria).

“Less than 30 per cent of the country has access to safe water. Malnutrition is rampant; acute malnutrition afflicts 17 per cent of children.

“The nomadic lifestyle of Somalia's rural population makes regular immunization programmes difficult to implement. Measles and cholera are serious threats against which few have been vaccinated. [27a] (p1-2)

- 22.47 IRIN interviewed a paediatrician working in Mogadishu – Lul Mahmamud Mohamed, head of the paediatric department, Benadir Hospital – and reported in an article of 7 April 2009 that “on average, at least 1,000 children seek treatment at the hospital every month.”[10ah]

The [UNICEF website](#) country page provides basic socio-economic statistics

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DOCUMENTATION

- 22.48 The USSD report for 2008 noted: “In the absence of a consistent central authority, births were not registered in Puntland or southern and central Somalia. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity combined with the nomadic lifestyle of many persons caused numerous births to go unregistered.” [2a] (Section 5: Children)

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23. TRAFFICKING

- 23.01 The US State Department *Country Report on Human Rights Practices, 2008, Somalia*, (USSD report for 2008) published on 25 February 2009, stated:

“The TFC does not explicitly prohibit trafficking. In February, Puntland authorities announced that persons who were caught engaging in alien smuggling would be punished by death. On April 5 in the Maydh District of the Sanaag Region seven human traffickers were captured near the coast in the Maydh District. There are no laws against slavery or forced or involuntary prostitution. Information regarding trafficking in the country’s territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Human smuggling was widespread, and there was evidence that traffickers utilized the same networks and methods as those used by smugglers. Dubious employment agencies were involved with or served as fronts for traffickers, especially to target individuals destined for the Gulf States. Somali women were trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and commercial sexual exploitation. Somali men were trafficked into labor exploitation as herdsman and menial workers in the Gulf States. Somali children were reportedly trafficked to Djibouti, Malawi, and Tanzania for commercial sexual exploitation and exploitative child labor. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Small numbers of Cambodian men were trafficked to work on long-range fishing boats operating off the coast of Somalia. Armed militias reportedly also trafficked women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

“Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country’s long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari’a and customary law, but there was no unified policing in the country to interdict these practices, nor was there an effective justice system for the prosecution of traffickers ... At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Some officials in these administrations were known to facilitate or condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.” [2a] (*Trafficking in Persons*)

- 23.02 The USSD *Trafficking in Persons Report 2009*, published on 16 June 2009 states that, under ‘Special cases’, Somalia is listed as a country of particular concern:

¹²² The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

“Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source, transit, and destination country for trafficked men, women, and children. ...Human smuggling is widespread in Somalia and there is evidence to suggest that traffickers utilize the same networks and methods as those used by smugglers.” [2f] (*Special cases – Somalia, p307*)

See [Trafficking of children](#) ; [Trafficking of women](#)

HUMAN SMUGGLING

- 23.03 OCHA, in its *Human Smuggling and Human Trafficking Factsheet*, dated December 2007, noted:

“Human smuggling continues unabated from the northeast coast of Puntland, to Yemen, resulting in the death of hundreds, mostly Somalis and Ethiopians ... According to UNHCR, tragic incidents involving people crossing the Gulf of Aden have been consistently increasing since 2005. Since the start of 2007 until the end of October, with the smuggling season at its pick [peak or sic?] in September and October, already an estimated 23,532 people had arrived at the Yemen shores (13,796 Somalis and 9,713 Ethiopians) while at least 838 people have died during the crossing and 524 are known to be missing, with twice as many Ethiopians deaths compared to Somalis. The overall estimated figure for last year was around 26,000 people (about 14,250 Somalis and 11,750 Ethiopians) crossed the Gulf of Aden, with at least 330 deaths and another 300 reported missing (and now believed to be dead). The main reason of these deaths is smugglers forcing Somalis and Ethiopians into stormy seas off the coast of Yemen. Survivors reported that those who resisted were stabbed and beaten with wooden and steel clubs, then thrown overboard. Some were then attacked by sharks. Recovered bodies showed signs of severe mutilation. Upon arrival to the Yemeni shore, some passengers reportedly had their money confiscated by security forces.

“Passengers also frequently report that some travellers are being tied up and/or thrown overboard by the smugglers in an attempt to lighten their load and avoid capsizing. Others drift for days at a time with little food or fresh water on board. Both during the journey and en route to Bossaso, women report having been sexually abused, exploited and/or raped by the smugglers, police and the multitude of militias operating illegal checkpoints on the roads to Bossaso. When the boats reach Yemen’s coast, passengers – including children – are routinely forced to swim the last kilometres so that the boats are not detected by the Yemen authorities. Some never make it to the coast. Fatality figures are difficult to verify as the trade is secret and many bodies are never found.” [26i]

- 23.04 OCHA, in its *Humanitarian Analysis*, dated January 2008 noted:

“The ‘mixed migration’ – the smuggling and trafficking of Somalis to other countries – has also been on the rise. In 2007, more than 29,500 people arrived on the shores of Yemen and 1,400 people died while making the perilous journey or are missing and presumed dead. The number of deaths was a sharp increased [sense?] nearly fourfold from 2006 where at least 330 deaths and another 300 reported missing and presumed dead. The trend looks likely to continue in 2008. As of 19 January, at least 2,252 people were

recorded arriving at the Yemen coast, majority of them were Somalis. On 18 January, 116 people from one boat died after smugglers ordered passengers to jump overboard, a large wave capsized the boat, killing all 114 passengers and two the crew (smugglers)." [26o]

- 23.05 IRIN gave an update of figures in a report published on 29 April 2009, when it stated that the UNHCR estimated that of the 50,000 migrants crossing to Yemen in 2008, more than 1,000 died on the journey; and in the first quarter of 2009, 18,000 crossed into Yemen, up from some 12,800 migrants in the first quarter of 2008. [10bb]

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24. HUMANITARIAN ISSUES

- 24.01 The Report of the Secretary-General [to the UN Security Council] on the situation in Somalia, dated 20 July 2009, stated, “The humanitarian situation in Somalia has seriously deteriorated as a consequence of the intensified fighting in Mogadishu since 7 May, worsening drought countrywide and growing insecurity in most parts of south-central Somalia.” [3g](p10, paragraph43) The BBC reported on 25 August 2009 that the UNHCR considered that “more than half of the Somali population is in need of humanitarian aid” with the article later giving a figure of 3.76 million people as the number of people in need. [8ai] The report continued, “UN food-security officials say one-in-five children are acutely malnourished and the number of refugees has risen by more than 40% since January [2009].” [8ai]

DROUGHT / FLOODS

- 24.02 The OCHA *Humanitarian Overview*, March 2009, (OCHA March 2009) reported that: “In March [2009], the Famine Early Warning Systems Network (FEWSNET) warned that water sources in many parts of Somalia have dried up earlier than normal due to poor *Deyr* rains in late 2008 and a harsh dry season (*Jilaal* – January-March).” [26ah] On 27 July 2009, the Food and Agriculture Organisation of the United Nations reported that “June marked the end of Gu, the longest and most important rain season in the Juba and Shabelle riverine areas. The Gu rains were generally poor with majority of the riverine rainfall stations recording below average rainfall. This was the fourth poor rainy season in a row.” [31a]
- 24.03 The areas of central Somalia have been particularly badly hit by the drought. In March 2009, 42,940 sheep and goats were reported dead in the region of Mudug, contributing to the displacement of about 33,000 people. (IRIN, 10 March 2009) [10ao]
- 24.04 Access to water is limited. UNICEF estimates that only 29 per cent of the population have access to clean drinking water. (IRIN, 23 March 2009) [10ak] IDP populations are reported to have little or no water availability in the areas in to which they have fled. (IRIN, 23 March 2009) [10ak] As of 3 April 2009, OCHA reported that: “UNICEF and partners continue to respond to water shortages across Somalia” with 39,500 in central and 46,000 in southern Somalia benefiting from water-trucking. [26ag]
- 24.05 The price of water in Jowhar in March 2009 was reported to be 500,000 Somali Shillings/US\$ 19 for a 200-litre drum. (IRIN, 9 March 2009) [10an] Another source, reported by IRIN on 23 March 2009, gave the price of water in Ada Kabir town, Central Somalia as 200,000 Somali shillings/US\$ 7 per 200 litres but “Not many people in this town can afford it, so they send children to collect water from as far as 20km away.” [10ak] In Galgaduud region, in March 2009 water prices were reported to be 115 to 150 per cent higher than previous year in the districts of Harardheere and Eldeer respectively. (OCHA *Humanitarian Overview*, March 2009) [26ah]

See also section on [Internally Displaced Persons](#)

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WATER-RELATED DISEASE

- 24.06 The drought has brought on a rise in water-related disease, such as Acute Watery Diarrhoea (AWD) and cholera. In February 2009, 200 cases of AWD, with 12 deaths were reported in the area of Jowhar town. [10an] In April 2009, OCHA reported that AWD was present in the 46,000 population of the lower Shabelle area. [26ag]
- 24.07 *Garowe Online* reported a Reuters news article that quoted the World Health Organisation on 21 July 2009 that stated:

“More than 43,000 cases of acute watery diarrhoea have been reported in Somalia between January and June [2009] and were ‘treated as suspected cholera cases’, World Health Organisation spokesman Paul Garwood told Reuters. At least 135 people are known to have died of acute watery diarrhoea in that period, he said. Cholera has been confirmed in Mogadishu, the Afgooye corridor and several areas in Lower Jubba, Lower Shabelle, Bay and Mudug in south central Somalia.” [35bt]

See also [Medical issues](#)

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FAMINE

- 24.08 As a result of the drought, local food supplies have been exhausted, and many are reliant upon food imports and humanitarian relief. Humanitarian NGOs estimate that 2.6 million people in Somalia need assistance, with a projection of up to 3.5 million by the end of 2008. (IRIN, 26 June 2008) [10t] The number of people who are in need of food assistance may have reached 3.2 million in August 2008. (UN OCHA *Humanitarian Overview*, July 2008) [26u] The UNHCR estimated in August 2009 that 3.76 million people were in need of food assistance. (BBC News, 25 August 2009) [8ai] The Secretary-General’s report of 20 July 2009 states that “The food security assessment reports for April-June 2009 indicate that the overall food security situation in many parts of Somalia will remain precarious over the coming six months.” [3g](p11, paragraph44)
- 24.09 Malnutrition in Somalia is particularly acute in the Gedo and Central Somalia regions. As of February 2009, the regions exceeded the 15 per cent emergency threshold of general and acute malnutrition (GAM) with Gedo region with a GAM rate of over 20 per cent; Hawd district, 20.8 per cent; and Addun district, 18.4 per cent. (OCHA *Humanitarian Overview*, February 2009) [26k] “There are more than 200,000 acutely malnourished children in Somalia, some 60,000 of them suffering from severe malnutrition and are in need of immediate treatment in order to survive. ... One quarter of all the malnourished, both acute and severe, are in the Central and Gedo regions.” (OCHA *Humanitarian Overview*, February 2009) [26k] IRIN reported on 23 February 2009 that one in six children in Somalia is acutely malnourished: “The severity and depth of the rural crisis is greatest in the Galgadud, Mudug, Hiran and Middle Shabelle regions, where 50–70 per cent of the total rural population is in crisis and where the number in [Humanitarian Emergency] exceeds the number in Acute Food and Livelihood Crisis.” [10ax]

- 24.10 The authorities in Somaliland feared a further bad harvest after the failure of the *Gu* rains in 2009: on 7 July 2009, IRIN reported that seed that had been distributed by the Somaliland Government had produced less than sown, and had been further decimated by locust attacks. The report added that there is a shortage of seed for the next crop. [10h]
- 24.11 On 26 June 2008, IRIN reported that Médecins sans Frontières (MSF) considered the scale of the humanitarian crisis to far outstrip the response available. [10t] Distribution points are also points of conflict: the US State Department *Country Report on Human Rights Practices 2008, Somalia* (USSD report for 2008) stated: "Persons assembled at food distribution centers were killed and injured. On April 24 (2008), in Baidoa, ENDF killed two persons and injured another at a WFP food distribution point when they opened fire in response to a grenade attack against them. On May 14 (2008), in Kismayo, a woman was killed and three other persons injured when security escorts opened fire on a crowd attempting to steal food." [2a] (Arbitrary or Unlawful Deprivation of Life)

The OCHA February 2008 food distribution point map at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1090676> gives details of locations of the main distribution points in early 2008. [47c]

- 24.12 The IDPs in Merka were reported by IRIN on 6 March 2009 to have last received food aid three months previously, and were reported to be facing a food and water crisis. [10ap] Nine thousand IDPs were reported to be affected. The UN World Food Program (WFP) had previously distributed food aid in Merka, but had to suspend operations in January 2009 because of local insecurities. The WFP have managed to re-establish access in other areas, but, in March 2009, the WFP and local security forces were still in negotiation, with no access agreed. [10ap] Humanitarian aid ceased in Beletweyne in late April 2009, disrupted by local conflicts and seasonal rains. (IRIN, 21 April 2009) [10bd] Aid agencies have been told to leave the Region of Gedo in the southwest of Somalia by the local controlling Al Shabaab militias. (Garowe, 8 June 2009) [35be] In Jowhar, IRIN reported on 27 August 2009 that 49,000 IDPs had received no food assistance after al Shabaab seized control of the town and the UN compound in May 2009 and WFP distribution links faltered. [10f]

OCHA situation reports for Somalia are produced frequently, and are available on its [website](#).

- 24.13 The BBC reported on 16 June 2009 that the WFP was launching an inquiry into the 'illegal' reselling of WFP food aid on the open market in Mogadishu; and that food traders were manipulating the WFP into supplying them via requests to fictional refugee camps. [8av] On 31 July 2009, the Islamist opposition group, Hisbul, "warned against aid groups against 'mismanaging' humanitarian aid intended for the Somali people. ...Hizbul Islam is 'aware' of a secret deal between aid workers and 'leaders' [of] internally displaced people's (IDPs) camps." (Garowe Online, 31 July 2009) [35d] On 21 July 2009, Shabelle Media reported a statement from al Shabaab's political offices that agencies closed down by al Shabaab would not be permitted to resume operations in Somalia, and that an al Shabaab office for the supervising of foreign agencies in Somalia would be established. [37h]

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25. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

25.01 The report of the Joint British-Nordic Fact-Finding Mission of January 2004 (JFFMR March 2004), stated that Doctors Without Borders/Médecins Sans Frontières (MSF) officials noted that the overall level of healthcare and possibilities for treatment in central and southern Somalia were very poor. There was a lack of basic medical training amongst the personnel (doctors and particularly nurses) operating at the limited number of hospitals and clinics in the region. It was estimated that up to 90 per cent of the doctors and health staff in hospitals were insufficiently trained. It was stated that for those with sufficient funding to pay for treatment, primary healthcare was available in all regions. MSF indicated that women and children had a better chance of receiving treatment on the grounds that they were less likely to be the target of militias. It was explained that women and children were in a position to move more freely because they could cross clan borders more easily than single men whose clan affiliation may hinder their freedom of movement. It was added that single men, without the financial backing of their clan, would find it very difficult to access medical treatment. It was also noted that, due to the distance, security situation, and poor road networks in most regions, referral cases were difficult to arrange without sufficient financial support from clans. [7c] (p47-49)

25.02 The JFFMR of March 2004 noted an interview with Ayham Bazid, Representative of MSF:

“It was stated that for those with the sufficient funding to pay for treatment, primary healthcare was available in all regions. Bazid indicated that women and children had a better chance of receiving treatment on the grounds that they are less likely to be the target of militias. It was explained that women and children are in a position to move more freely in Somalia, because they can cross clan-borders much easier than single men whose clan affiliation may hinder their freedom of movement. Querol and Bazid added that single men, without the financial backing of their clan, would find it very difficult to access medical treatment. It was also noted that, due to the distance, security situation, and poor road networks in most regions, referral cases are difficult to arrange without sufficient financial support from clans.” [7c] (p47)

25.03 Médecins Sans Frontières (MSF) in its report of January 2007, entitled *Top ten under-reported humanitarian stories of 2006*, gave the following overview:

“The current conflict in Somalia may generate fleeting worldwide attention, but the abysmal day-to-day living conditions faced by Somalis remains largely forgotten. For the past 15 years, Somalia has been in the grip of internal conflict that has had catastrophic consequences on the health of its people. Somalia has some of the world's worst health indicators: it is estimated that life expectancy is 47 years and more than one quarter of children die before their fifth birthday ... MSF teams are trying to fill some of the huge gaps in medical care through primary care and surgical hospitals and clinics, as well as treatment programs for malnutrition, tuberculosis and kala azar in several regions, including Bakool, Bay, Galguduud, Lower Juba, Mudug, Middle Shabelle and Mogadishu. Few aid agencies choose to work

in Somalia, though, because violence is so widespread and the country's clan structure so complex. But with no state medical services, there is a desperate need for increased assistance.” [11a] (Somalis trapped by war and disaster)

- 25.04 IRIN, in its *The Somali Democratic Republic, Humanitarian Country Profile* dated May 2008, stated:

“Much of the population lacks access to basic healthcare and there is an acute shortage of trained medical personnel. However, one notable success was achieved recently: In March 2008 Somalia was declared polio-free.

“Considerable resources have been invested by the international community in rehabilitating the water and sanitation systems, but extensive contamination of surface supplies remains a problem, with only 29 percent of the population having access to clean drinking water, according to the UN Population Fund (UNFPA).

“Life expectancy at birth is 43 years for men and 45 years for women (UNAIDS).” [10m] (Health)

- 25.05 On 4 December 2008, BBC News reported on the first student doctors to qualify from Mogadishu University since 1991. The twelve men and eight women “said they would not leave the country because their profession was in high demand in Somalia - and some of them have already joined hospitals in Mogadishu.” The same report goes on to say that in December 2008, Mogadishu “got its first public ambulance system in 18 years, raising hopes residents will no longer have to resort to wheelbarrows to transport their wounded”. [8ax]

HIV/AIDS

- 25.06 The JFFMR March 2004 referred to a representative of Médecins Sans Frontières (MSF) who highlighted that there was no social recognition of the virus in southern and central regions. It was stated that MSF did not provide treatment for the virus. It was emphasised that there was no availability of anti-retroviral medicine in Somalia. According to the United Nations High Commissioner for Refugees (UNHCR), medical facilities in all parts of Somalia were not equipped to render the necessary assistance for HIV/AIDS sufferers. Except for those few who could afford to import the drugs, anti-retroviral treatment was not available in Somalia. Accordingly the UNHCR recommended that the involuntary removal of persons with HIV/AIDS should be strictly avoided. [7c] (p36)

- 25.07 IRIN, in its *The Somali Democratic Republic, Humanitarian Country Profile* dated May 2008, noted:

“The HIV/AIDS prevalence rate among adults aged 15-49 is estimated at 0.9 percent, with 44,000 people living with HIV, according to UNAIDS (2006).

“At least 3.3 percent of pregnant women are receiving treatment to reduce mother-to-child transmission. Only one percent of HIV-infected women and men are receiving antiretroviral therapy. UNAIDS also estimates that only

12.5 percent of men and 7.9 percent of women are able to correctly identify ways to prevent HIV.

“UNAIDS has AIDS commissions in the three Somali entities. There are plans to scale up the work of the commissions and form a tripartite Somali AIDS coordination body.

“Major impediments to the HIV/AIDS response are insecurity and lack of capacity among government departments and other service providers. There is little effective Somali institutional and human capacity to develop resource-mobilisation strategies, making the response dependent on Nairobi-based international community leadership.” [10m] (HIV/AIDS)

- 25.08 In March 2009, IRIN ran a series of articles related to the incidence of HIV/AIDS in Somaliland. On 31 March, IRIN reported that HIV infection had been under-reported amongst sex workers, with a high incidence of sex workers practising unsafe sex. The report stated: “Somaliland’s HIV prevalence is estimated at 1.4 per cent, but experts say the epidemic is likely to be concentrated in high-risk populations such as sex workers, seafarers and truck drivers.” [10av] According to an IRIN report of 24 March 2009, Somaliland is treating secondary infections such as TB, and has adopted Directly Observed Treatment Short Course (DOTS), with a case detection rate of 68 per cent, diagnosed 4,153 cases in 2008, and a treatment rate upon diagnosis of 90 per cent . [10aw]
- 25.09 IRIN reported that in Puntland, people infected with HIV are stigmatised by the local community (IRIN, February 2009) [10at] and likewise in Somaliland (IRIN, 27 March 2009) [10au]. The IRIN article of 27 March 2009 reported that in Somaliland, religious leaders have been involved in HIV prevention efforts and “are now stepping in to persuade communities to treat people with HIV more humanely.” [10au]
- 25.10 MSF sources stated in the JFFMR of March 2004 that the Somali private health sector had grown considerably in the absence of an effective public sector. Of the population who get any care at all, about two-thirds of them get it from the private health sector. Such growth had thrown up a range of problems. These have included the dispensing of out-of-date drugs, over-the-counter drug prescriptions and inadequately trained staff, which has led to misdiagnoses. Private health care is characterised by high charges for services, pricing the poor out of healthcare. [7c] (p47)

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HOSPITALS

- 25.11 The International Committee of the Red Cross report for 2008, published on 27 May 2009, added detail regarding the operation of hospitals in relation to weapon-wounded patients in southern and central Somalia:
- “Some 3,200 weapon-wounded were treated in ICRC-supported medical facilities, the majority in Keysaney and Medina hospitals, the two main referral units for surgery in Mogadishu. The surgical team from the Qatar Red Crescent Society, which had been working in Keysaney Hospital since August 2007 in partnership with the ICRC,

withdrew from the hospital in November [2008] because of security risks... In the 34 ICRC-supported health centres (catchment population by year-end: 417,000):

- 328,871 people given consultations, including 62,197 attending ante/post-natal consultations and 266,674 attending curative consultations
- 96,787 vaccine doses administered (including 81,437 to children aged five or under and 15,350 to women of childbearing age)
- 1,985 patients referred to a second level of care
- 1,255 health education sessions held.” [5a]

- 25.12 The head of ICRC operations in Somalia, Pascal Hundt, stated in an interview dated 30 June 2008, that the ICRC operations in Somalia had changed significantly since 2005 (when he took office), stating:

“Three and a half years ago we could work on a daily basis almost anywhere in central and southern Somalia. Now, the worsening security situation and the unpredictability of the conflict have made it a lot more difficult for us to maintain that level of presence on the ground. We are still present, but we have had to adapt our operations. In 2005, we were able to implement large-scale community projects whereas today we are mainly involved in carrying out major relief operations.” [5c]

- 25.13 On 2 October 2009, BBC News published an interview with a young Somali doctor based in Marere. She described the hospital as having “about 200 beds”, and although there are “no machines in the hospital”, there is “a generator so the hospital has electricity and...internet. Wells provide clean water. The most common complaints are malaria, TB, cholera and bilharzias”. [8ay]

Hospitals in Mogadishu

- 25.14 On 27 June 2009, Garowe reported that “There are upwards of 650 wounded persons currently receiving treatment at Mogadishu’s three main hospitals – Medina, Keysaney and Daynile. The hospitals are operated by ICRC and MSF.” [35a] On 17 July 2009, the International Committee of the Red Cross (ICRC) stated in a press release:

“Doctors and nurses are working strenuously to care for the patients,’ said Valery Sasin, a surgeon working for the ICRC who coordinates the organization’s health activities in Somalia. ‘Their capacities are often stretched to the limit. Nevertheless, they have been able to cope with the influx of new arrivals. The hospitals receive enough medical supplies from the ICRC to be able to maintain all services even in times of great demand.’ Both Medina and Keysaney hospitals accept all patients, regardless of their clan or their religious or political background. Since last weekend, ICRC said almost 300 weapon-wounded patients have been admitted to Keysaney Hospital, run by the Somali Red Crescent Society, and the community-based Medina Hospital.” [74a]

- 25.15 The LandInfo report of 12 November 2008, *Conflict, security and clan protection in South Somalia*, gave the following information from an

interlocutor: “One of Landinfo’s interlocutors in June 2008 compared the situation in Mogadishu with the situation in Gaza, where despite the blockade, the Palestinian population has working hospitals and ambulances etc. This is not the situation in Mogadishu. Although there are hospitals and doctors there is a lack of equipment and there are no other services.” [45d] (section 3.1, p12)

- 25.16 The ICRC Somalia operations page, published on 27 May 2009, stated:
- “Some 3,200 weapon-wounded were treated in ICRC-supported medical facilities, the majority in Keysaney and Medina hospitals, the two main referral units for surgery in Mogadishu. The surgical team from the Qatar Red Crescent Society, which had been working in Keysaney Hospital since August 2007 in partnership with the ICRC, withdrew from the hospital in November because of security risks.” [5b]
- 25.17 IRIN reported on 15 April 2009 that a new, private initiative had started in Mogadishu, to provide an ambulance service. [10ba]
- 25.18 IRIN reported on the hospitals in Mogadishu in two articles in April 2009. In the first article, of 7 April 2009, Abdirizaq Ahmed Dalmar, head of the Somalia Medical Association gave an overview, stating that in 2007/2008, 37 hospitals and clinics were closed due to fighting, and remaining medical facilities operated with great difficulty as various military factions commandeered facilities and services. [10ah] The other IRIN article, dated April 2009, reported Mohamed Yusef, director-general of Medina Hospital, stressing that the hospital treated all who came to the hospital, irrespective of which group they belonged. [10ai] Both articles noted that doctors and medical staff had been threatened, attacked and some killed; one doctor said: “doctors in Mogadishu suffered with the population in terms of the insecurity” [10ah] and Dr Yusef was unsure of the reason why he himself was attacked on 23 March 2009. [10ai]
- 25.19 The MSF reported that in January to late November 2008, the MSF treated nearly 2,300 people in Mogadishu for weapon-related injuries. (MSF’s top ten humanitarian crises for 2008, Somalia’s humanitarian catastrophe worsens) [11a]

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MENTAL HEALTH CARE

- 25.20 In its 2005 Somalia Country Profile, the World Health Organization (WHO) reported:
- “The whole mental health set-up of Somalia is based on the efforts of NGOs – GRT-UNA of Italy and General Assistance and Volunteer Association (GAVO), a local Somali NGO. They help in the provision of services to mental patients and street children and provide training for primary health care personnel.” [9a] (p2)
- 25.21 The report added:
- “There are only three centres for psychiatry, the mental hospital in Berbera and the general psychiatric wards in Hargesia and Mogadishu. Until the arrival of the NGO from Italy, the condition of the mental hospital was

appalling. Patients were kept in chains, and supply of food was largely dependent on charity. UNDP [United Nations Development Programme] is supporting the psychiatric ward in Hargesia in terms of structural facilities and supplies. There is no private psychiatric inpatient facility though there are a few private clinics in Mogadishu and Hargesia. There is no specialized drug abuse treatment centre and there is no mental health training facility in the country. Only limited data about one area of Somalia, Somaliland is available. Psychiatrists have private clinics.” [9a] (p1)

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26. FREEDOM OF MOVEMENT

- 26.01 The United States Department *Country Report on Human Rights Practices, 2008*, Somalia, (USSD report for 2008) stated: “The TFC [Transitional Federal Charter] and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country.” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**)

Checkpoints

- 26.02 The UK Border and Immigration Agency's Fact-Finding-Mission report on Somalia, 11–15 June 2007, outlined the issue of checkpoints in terms of how they operated in June 2007. [7f] (p22-26) The USSD report for 2008 summarised the situation in 2008 as: “Checkpoints operated by the TFG, TFG allied militias, and armed clan factions inhibited passage and exposed travellers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict ... According to the UN, checkpoints increased to over 400 in south and central Somalia.” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**) The Amnesty International report, *Routinely targeted*, published on 1 May 2008 noted that multiple checkpoints and road blocks operated on the roads out of Mogadishu, with “... displaced persons from southern and central Somalia frequently reported being attacked on the road from Mogadishu to several destinations to the north and the southwest where they sought safety.” [6b] (p20)

- 26.03 The USSD report for 2008 noted that: “According to the UN, checkpoints increased to over 400 in south and central Somalia.” [2a] (**Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**) The LandInfo report of 12 November 2008, *Conflict, security and clan protection in South Somalia*, stated:

“Approximately 400 roadblocks were set up in southern and central Somalia between February and March 2008, and the risk of being robbed or raped at these roadblocks was high (interview with international organisation, June 2008). ‘Taxation’ at these roadblocks also contributes to food prices (which have increased considerably anyway) rising even more when the goods finally reach the markets. There were previously 10 roadblocks in and around the town of Jowhar alone, but when the Islamists took control of the town in spring 2008, these roadblocks disappeared.” [45d] (section 3.8.1,p17)

- 26.04 Previously, AI's *Routinely targeted* notes a source that mentions in November 2007 there were 88 check points between Mogadishu and Bossasso, and 150 from Mogadishu to the southwest. [6b] (p21) OCHA reported in its November 2007 *Monthly Analysis* that: “Ad hoc roadblocks that charge taxes ranging from US\$70 – US\$500 to move in and out of Mogadishu have caused huge hindrances to the humanitarian community in accessing vulnerable people. ... In November, Non-Governmental Organisations (NGOs) reported delays and payment of taxes of up to US\$ 475 at eight roadblocks on the Mogadishu/Afgooye road – a major area of humanitarian operations. The highest number of roadblocks since the beginning of 2007 – 336 in total – was recorded in November.” [26i] The May 2008 UN Security Council report on children and armed conflict in Somalia stated that of the 396 roadblocks as of February 2008, “77 are in

Hiran [north of Mogadishu], on the central Somalia coast [south and east of Mogadishu] and in Galgudud [north east of Mogadishu]. Seventeen of those 77 roadblocks are manned by local militias, and the remaining 60 are reportedly manned by [TFG] and local government forces.” The report states that the roadblocks impede access to medical assistance in Mogadishu. [3e] (p10, section 47) The UN Security Council report on Somalia, dated 16 July 2008 states: “There are now almost 400 roadblocks and checkpoints country-wide.” [3a] (p11) A March 2008 UN Country Team in Somalia news release stated that: “On the Mogadishu to Afgooye road, eight separate checkpoints are set up and convoys were being charged from \$50 to \$150 for every 35 metric tons of cargo.” [42a] The UN Security Council report on Somalia, dated 16 July 2008, added, regarding this road that: “There have been more than 40 security incidents, including seven roadside bomb explosions since the beginning of the year [2008].” [3a] (p11)

- 26.05 The AI report, *Routinely targeted*, dated 1 May 2008, observed that: “Until September 2007, some drivers had been able to travel relatively safely through areas by virtue of their clan affiliation, but this changed in November and December 2007.” [6b] (p21) Clan militias have been particularly active around Kismayo, with reports of 24 January 2008 noting that all roads to the town had been blocked in January by militias demanding back pay from clan elders. (UNSC, 14 March 2008) [3d] (p29) IRIN reported on 13 May 2008 that access to the city was still beset with roadblocks. [10r] A western journalist gave an account on 3 May 2008 of travelling south of Mogadishu to a point where clan territories abutted and militia guards were to change: there was a tense situation between militia and TFG forces described, with confusion as to who had been paid off for safe passage. [44a]

See [Kismaayo](#)

- 26.06 Other than incidents at checkpoints, travellers and displaced persons may experience illegal road blocks and attacks on the road. The AI report *Routinely targeted* stated that AI “received reports of violations committed against IDPs on the road in Somalia by all parties to the conflict, as well as common bandits and clan militias. Sometimes perpetrators covered their faces to mask their identity, but often survivors believed that they could still identify them by language or appearance.” [6b] (p20) A Somali journalist, fleeing Mogadishu in December 2007, paid US\$ 220 for a place on a minibus going south to the Kenyan border: it was stopped twice for payment at roadblocks in the towns of Afmadow and Young Hargeisa, where the fighters “wore long white robes or camouflage, and their faces were covered – sure signs of Islamist militiamen.” [43a] The 14 March 2008 UN Secretary-General’s report to the Security Council on Somalia notes: “The number of roadblocks significantly increased during the last quarter, with a total of 336 roadblocks countrywide reported by the United Nations. In November [2007], non-governmental organisations reported forced payments of up to US\$ 475 at eight roadblocks spread along the Mogadishu-Afgooye road – a major area of humanitarian operations.” [3d] (p9) OCHA reported on 6 June 2008 that: “Incidents of carjacking targeting humanitarian aid organizations continue to increase along the Afgooye-Mogadishu road, hindering the aid operations ... in the area.” [26n] (p1) AI’s *Routinely targeted* states that one of the most dangerous routes is the road between Jowhar and Beletweyne, the main road north out of Mogadishu; the attacks were particularly close to Beletweyne town, and may have a clan-based element, though victims were unsure of who their attackers were. [6b] (p20-21)

See [Beletweyne](#)

- 26.07 Islamist insurgent groups have been keen to portray themselves as eradicating criminal roadblocks and extortion, with the ICG report of December 2008 stating: "It is common to hear of al Shabaab fighters dismantling the illegal checkpoints that are a great public nuisance and source of much anger against the TFG and the Ethiopians." [24a] (p14)
- 26.08 On 29 August 2009, a Garowe Online article reported that the TFG Minister of Justice admitted that TFG forces operating a major checkpoint on the Afgooye-Mogadishu road routinely extorted cash from motorists. The same checkpoint has been a frequent target of insurgent attacks. [35bs]

Landmines

- 26.09 The Somalia section of the 2008 *Landmine Monitor Report* noted that though landmines have been used extensively in Somali conflicts, landmines are less of a problem than "explosive remnants of war" (ERW), particularly in relation to ERWs in areas of Mogadishu that had been shelled by the Ethiopian forces. [20a] (Landmine/ERW problem) IRIN reported on 29 January 2009 that IDPs returning to Mogadishu were in grave danger of uncovering and detonating unexploded ordnance of many different kinds. [10ac]
- 26.10 The 2008 *Landmine Monitor Report*, however, reported that a UN group monitoring the arms embargo on Somalia reported transfers of antipersonnel mines from Eritrea and Ethiopia to Somalia; the sale of mines in Bakara market, Mogadishu; and notable people in Mogadishu had stocks of these weapons, specifically naming Mohamed Dheere as purchasing a "variety of anti-tank mines and antipersonnel mines." [20a] (Transfer); also (BBC, 23 May 2008) [8o] De-mining, summarised the report, was effectively limited to Somaliland and Punt, through the activities of the Somaliland Mine Action Center and the Puntland Mine Action Center; in Mogadishu, the AMISOM Ugandan contingent had detonated collected *materiel* in mid-2007. [20a] (Landmine/ERW casualties) Landmine casualties were recorded as being 401 casualties in 2006, but there is no comparable data for 2007, though one monitoring agency suggested 359 casualties. [20a] (Data collection)

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EXTERNAL MOVEMENT

- 26.11 The USSD report for 2008 observed: "In the absence of effective governance institutions, few citizens had the documents needed for international travel." [2a] (Section 2d: Freedom of movement) There is little information on the present availability of passports and other documents. See section [Citizenship and Nationality](#) for information on the new passports issued by the TFG on 1 July 2007.

Airports

- 26.12 The Economist Intelligence Unit (EIU), in its Somalia Country Profile dated 3 March 2008 reported:

“Private and chartered aircraft use an estimated 61 airports, most with unpaved runways. Ethiopian Airways began twice-weekly flights between Addis Ababa and Hargeisa in March 2001, and the private carrier, Daallo Airlines, links Hargeisa, Mogadishu, Burao, Bossasso and Kismayu with Asmara (Eritrea) and Djibouti. Construction of a new US \$9m runway at Bossasso international airport began in November 2006. Control of Somali air space has been conducted from Nairobi since the UN pulled out of Somalia in 1995.” [17d] (p15)

- 26.13 The BBC reported on 19 September 2008 that khat flights to airstrips outside Mogadishu are uninterrupted by the ongoing conflict. [8u]
- 26.14 Aden-Adde International Airport (renamed July 2007) is the international airport for Mogadishu. (Aviation safety network, accessed 12 July 2008) [46a] The, then-named, UK Border and Immigration Agency, in its Fact-Finding Mission report on Somalia, 11–15 June 2007 noted: “All sources who were asked agreed that Mogadishu International Airport (MIA) was operational with flights regularly arriving and departing.” [7f] (p22) The UN OCHA Monthly Cluster report, September 2008, stated, under logistics: “Following a ban on use of the Mogadishu Airport imposed by Al Shabaab on 16 September, UN flights into Mogadishu and K-50 were suspended. Mogadishu Airport is the lifeline for many of the remaining residents in the city. Normally, at least five commercial flights arrive and depart on a weekly basis to and from the rest of Somalia, Kenya, Djibouti and Dubai.” [26ad]
- 26.15 Mogadishu airport was attacked by insurgents on 1 June 2008, with several mortar shells hitting the airport as the President’s plane left for talks in Djibouti. (Garowe, 1 June 2008) [35m] Three more mortar shells were fired at the presidential convoy at the airport on 12 June 2008, as the President prepared to fly to Addis Ababa. (Agence France Presse, 13 June 2008) [18f]; (Garowe, 12 June 2008) [35j] There have been previous attacks, such as the attack described by a journalist on 27 January 2008 as the chartered flight of the African Union Commissioner arrived at the airport: “Airport staffers shrug. ‘Al-Qaida’, they explain, matter-of-factly. ‘It’s just al-Qaida letting us know they are still here’.” (VOA, 27 January 2008) [34c] In two incidents aircraft were downed by missiles in March 2007, as they respectively flew in on 9 March 2007 and on 23 March 2008 out of the airport. (Aviation safety network, n.d.) [46a] The airport is one of the facilities patrolled by AMISOM (African Union) troops. (Amnesty International, *Routinely targeted*, 1 June 2008) [6b] (p6)
- 26.16 Al Shabaab issued a threat to attack users of the airport from 16 September 2008. On the 19 September 2008, the first plane to attempt landing at MIA after the Tuesday 16 September ‘closure’ date, was a military AU flight and met with insurgent mortar fire. (BBC News, 19 September 2008) [8u]. (Garowe, 19 September 2008) [35y] Likewise, a second plane was met with mortar fire on 22 September 2008. (Garowe, 23 September 2008) [35aa] The UN OCHA Monthly Cluster report, September 2008, reiterated the importance of the airport, stating under logistics: “Following a ban on use of the Mogadishu Airport imposed by Al Shabaab on 16 September, UN flights into Mogadishu and K-50 were suspended. Mogadishu Airport is the lifeline for many of the remaining residents in the city. Normally, at least five commercial flights arrive and depart on a weekly basis to and from the rest of Somalia, Kenya, Djibouti and Dubai.” [26ad]

- 26.17 By Thursday 25 September 2008, flights were entering the airport, without being fired upon [35ab]; by 9 October, other flights were arriving and departing unhindered, and Al Shabaab announced that it would reconsider its mortaring of the airport (Garowe, 9 October 2008) [35ac] Reuters added that the 9 October flight was “a civilian plane carrying 120 Somali deportees from Saudi Arabia” and “managed to land without incident”. (Reuters News Alert, 11 October 2008) [38b] Likewise, an AMISOM plane arrived unhindered on 11 October 2008. (Reuters News Alert, 11 October 2008) [38b]
- 26.18 Since mid-October 2008, the airport has remained open and accepting flights, though there have been subsequent incidents on the road leading to the airport. One incident was reported on Friday 2 January 2009, of two Ethiopian troops killed by a roadside Improvised Explosive Device, on the road leading to the airport. (Globe and Mail (Canada), 2 January 2009) [40a]
- 28.19 The Voice of America article of 2 December 2008 reported that AMISOM are still in control of the airport and the seaport. [34a]
- 26.20 News stories concerning the airport since the Ethiopian withdrawal/the new President's election have included a BBC News account of the firing of mortars at a plane carrying US Congressman Donald Payne out of Mogadishu on 13 April 2009. [8w] On 26 May 2009, the President sent a detachment of 600 TFG troops to secure the airport. (BBC, 26 May 2009) [8ad] As of 2 October 2009, the airport was still receiving flights, with AMISOM and the TFG providing security. [3h]
- 26.21 The Report of the Secretary-General to the UN Security Council on the situation in Somalia, dated 20 July 2009, recorded that IGAD Council of Ministers had called for a no-fly zone in parts of Somalia: “At its thirty-third extraordinary session, held on 20 May, the IGAD Council of Ministers called upon the Security Council to impose a no-fly zone, except for humanitarian purposes authorized by the Government, on the airports of Kismayo, Baidoa, KM50, Balidoogle, Waajid and Hudur, all airports in Gedo region, Isaley and Johar.” [3g](p3, paragraph8)

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Seaports

- 26.22 The EIU, in its Somalia Country Profile dated 3 March 2008, noted: “Because Mogadishu and Kismayu ports have operated only sporadically during the civil war, Berbera and Bossasso in the north have become the focus for maritime activity. Both have undergone some modernisation in recent years. Ships near the Somali coast are vulnerable to attack by pirates. [17d] (p15)
- 26.23 UN OCHA, in May 2008, noted:
- “Somalia's coastal and offshore waters are becoming more dangerous for seafarers. Commercial vessel traffic and foreign fishing vessels as well as vessels transporting humanitarian assistance operating in Somali waters are at increased risk of piracy compared to the past few months. Militiamen

operating from speedboats and posing as coastguards are involved in hijacking of vessels and holding crews for ransom.” [26s] (p3)

- 26.24 A summary of the UN Security Council's assessment of the piracy issue in the latter part of 2008 is given in sections 53–58 of the UN SG's report of 17 November 2008, with the general conclusion that: “The delivery of relief goods has become more expensive and more dangerous, owing to the imminent and high risk of piracy off the Somali coastline, as well as road checkpoints by rogue freelance and clan militias.” [3b] (s.58)
- 26.25 A BBC News article of 15 April 2009 identified piracy as part of a larger security issue, and saw it as the basis of fresh engagement of the international community with the security problems in Somalia. [8z]

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SOMALIS ABROAD

Yemen

- 26.26 Somalis have used long-established sea routes over the Red Sea to migrate to the Yemen. The numbers migrating in 2008 increased: “More than 15,000 refugees have arrived in the Yemeni port city of Aden since January [2008], compared with 7,166 people in the first four months of 2007, according to a spokesperson for the United Nations High Commissioner for Refugees.” (CNN News, 7 May 2008) [50a] The OCHA *Somalia Humanitarian Overview*, November–December 2008, updates stating: “According to UNHCR, more than 35,000 people have arrived on the Yemen coast since January 2008. Some 577 people have died while another 296 are still missing and presumed death [sic]. Last year [2007] 29,500 people made the same journey.” [26ad]
- 26.27 The UN OCHA weekly situation report dated 19 September 2008 quoted UNHCR figures of more than 28,000, of whom 19,071 are Somali, who have attempted to cross from Somalia to Yemen in 2008; double the number who had attempted to cross in the period January to August 2007. [26x] The MSF report, *No choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, published on 26 June 2008, and available at <http://doctorswithoutborders.org/publications/topten/article.cfm?id=2821>, gives details of the effects of the crossing, it “documents the medical and humanitarian consequences of the perilous journey, in particular of the abuses by the smugglers.” [11b]
- 26.28 The United States Department *Country Report on Human Rights Practices 2008, Somalia*, (USSD report for 2008) stated:
- “Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that more than 31,375 Somalis attempted to cross illegally from Somaliland and Puntland, and Djibouti to Yemen during the year, resulting in at least 328 confirmed deaths and another 359 missing and presumed dead.” [2a] (Protection of Refugees)

- 26.29 The Report of the Secretary-General [to the UN Security Council] on the situation in Somalia, dated 20 July 2009, stated

“UNHCR reported that the number of migrants and asylum-seekers attempting the dangerous voyage across the Gulf of Aden to Yemen increased by 30 per cent in the first quarter of 2009 compared to the same period in 2008. As of 14 June, nearly 28,000 people, mainly Somalis and Ethiopians, had arrived at the Yemen coast. In response, UNHCR and its partners have stepped up their efforts to deter people from boarding smugglers’ boats at the main departure point in Bossaso, ‘Puntland’.” [3g](p11, paragraph49)

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Kenya

- 26.30 The Kenya border has been closed by the Kenyan authorities to Somali refugees since January 2007. “Despite the border closure, an estimated 60,000 asylum seekers made their way to the already overcrowded Dadaab refugee camps in Kenya through the porous border during the year, significantly more than in 2007.” (USSD report for 2008) [2a] (**Protection of Refugees**); The USSD report for 2008 notes: “There continued to be reports that Somali women, girls, and in isolated cases men, were raped in refugee camps in Kenya during the year.” [2a] (**Protection of Refugees**) The UN OCHA *Somalia: Humanitarian Overview* of May 2008 stated that so far in 2008 (up to May 2008), 17,000 refugees had managed to cross the Kenyan border and arrive at Dadaab, as opposed to 18,000 in total in 2007. [26s] (p3) By February 2009, 61,761 new arrivals were recorded arriving Dadaab in 2008, with over 14,000 arrivals in January to February 2009: 244,580 Somali nationals are in Dadaab, as part of an overall population of 255,750. (HRW, *From horror to hopelessness*, March 2009) [30d] (p54)
- 26.31 On the Somali side of the Somalia/Kenya border, IDPs have amassed around Dhobley (about 30 km from the border), and in early 2007 were mainly women and children. (IRIN, 3 January 2007) [10k] (p1) In May 2008, over 10,000 people were displaced by fighting in the Lower Juba region. (OCHA, *Somalia: Humanitarian Overview*, May 2008) [26s](p3) An IRIN report of 9 July 2009 stated that in Dhobley, a Somali border town, “The displaced live in abysmal conditions, with ‘very little food, no shelter and no health facility’, he [an aid worker] said, adding that Doble, a town of about 15,000 inhabitants, had one medical facility, which ‘cannot even take care of the locals’.” [10n]
- 26.32 On 2 August 2009, the Islamist group in control of Kismaayo appealed to Somali IDPs not to leave the country, calling them to “defend their country from those whom they see as their enemy”. (Sabelle Media, 2 August 2009) [37a] Al Shabaab made a threat in protest to alleged Kenyan troop infringements of the border, in the Lower Juba region, around the town of Dhobley. (Garowe, 11 June 2009)[35bh] CNN news reported on 1 August 2009 that al Shabaab is “becoming an increasing threat to Western ally Kenya and could potentially destabilize the region with dire consequence for global security, officials and analysts warn.” [50b] On 21 July 2009, the BBC reported that the Kenyan Government had increased troop numbers near the Somali border, in response to al Shabaab cross-border incursions. [8q]

See IDPS [Border with Kenya](#)

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RETURNING SOMALIS

- 26.33 The Joint Fact-Finding Mission Report, March 2004, noted: “[UNHCR representative] stated that UNHCR arranges facilitated returns only. She stated that the numbers of returnees to southern and central Somalia vary according to region but estimated that the return of 2–3 persons is facilitated each month to all of southern and central Somalia. She emphasised that less than 100 persons return annually.” [7c] (p44)
- 26.34 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2008, referring to Somalia, estimated that 7,000 Somali refugees had returned to Somalia in January 2008. [23d] (p152) The USSD report for 2008 notes: “There were no organized repatriations to any region of Somalia during the year [2008].” [2a] (Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

27. INTERNALLY DISPLACED PEOPLE (IDPs)

- 27.01 The UNHCR reported in a summary of a press briefing held on 30 January 2009 that the total number of Somalis displaced within the country was 1.3 million. [23h] The UN OCHA reported that an estimated 72,500 people in nearly all parts of Somalia were displaced in November 2008 alone: 75 per cent had been displaced by violence. (OCHA, Monthly Cluster Report, November 2008) [26w] The monitoring of IDP movements has been brought together by international NGOs into the UNHCR's Population Movement Tracking, with the results published on the [UN OCHA Somalia website](#). [26] Since 2007, the UNHCR has worked with SAACID and the Norwegian Refugee Council to commission IDP camp surveys, such as the February 2007 IDP survey in Mogadishu. [53b]

See also the section on [Humanitarian issues](#)

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General condition of IDPs

- 27.02 Information on the general conditions in IDP populations in Somalia has been collated by the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC), with a thematic collation published on 20 May 2009, entitled [Somalia: security and protection crisis continues despite peace deal: a profile of the internal displacement situation](#). The report contains thematically linked articles covering the general condition of IDPs in Somalia. [36a] The BBC on 2 June 2009 reported that:

"The 'very dire' humanitarian crisis in Somalia is the worst in Africa for many years, says Oxfam's co-ordinator for the failed Horn of Africa state [Hassan Noor]. Many of its hundreds of thousands of internally-displaced people, the world's largest such concentration, have little food or shelter, he said ... Many thousands of people, mainly women and children, have fled to Afgooye, just south of [Mogadishu] where most are sheltering under trees with little to eat or drink ... 'The situation is really appalling,' he said. 'There are hundreds of children all over the area with tubes on their faces and [saline] drips on their hands. Some of them are actually unconscious and suffering from all sorts of diseases, mainly acute diarrhoea and cholera.' "

[8c]

See IDPs, [Puntland](#) for an example of reported IDP camp conditions

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MOGADISHU

- 27.03 The UNHCR estimated on 29 January 2009 that one million Somalis had fled Mogadishu since fighting began in February 2007. However, over 16,000 IDPs who fled northern Mogadishu had returned only two weeks before the UNHCR briefing but the situation remained volatile. In the week before 29 January 10,000 civilians fled the city. After the Ethiopian forces' withdrawal on 13 January, 5,000 people were reported to have moved back into Mogadishu. (Agence France Presse, 17 January 2009) [18g] The number of IDPs who returned to Mogadishu after the installation of the new

142 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

Government was estimated to peak at about 60,000. (IRIN, 14 April 2009). [10az] After the conflict intensified from 8 May 2009, the outflow of IDPs was estimated to be 62,000 by 25 May 2009. (UNHCR, Mogadishu displacements map) [47e] and to be 122,000 by 13 June 2009 (UNHCR, 13 June 2009) [23i] “UNHCR says at least 87,000 people have been displaced accross Somalia since 1 July; with an estimated 4,500 displaced during the week. Of the 87,000 displacements, 25,000 have moved to areas within Mogadishu and 47,000 displacements have moved out of the city (21,000 to Afgooye).” (OCHA Weekly Situation report, 28 August 2009)

See [Returns to Mogadishu](#); also see [Latest News](#)

- 27.04 The, then, UK Border and Immigration Agency’s Fact-Finding Mission report on Somalia dated 20 July 2007 noted:

“The IDPs who had been settled since 1991 have been particularly badly affected by the latest conflict, with their livelihoods gone and assets now running out due to the increased number of new IDPs using their resources. One source explained that waves of IDPs will go back to wherever they feel secure, in most cases back to clan areas, where ‘the first safety net is the sub-clan.’ On the question of whether clans were disrupted by such movement, one source said that this was not the case, adding that people moved as clans, and were received as families with the sub, sub-clan structure. However, two security advisers on Somalia said that clan maps cannot be used any longer even as a guideline, because groups have been displaced and are now disputing who is the original occupant of various lands.” [7f] (p35)

- 27.05 However, after the violence in Mogadishu in November 2007, OCHA, in its *Humanitarian Analysis* dated January 2008, noted:

“One of the most striking changes has been the more than doubling of the number of people fleeing Mogadishu which has increased the number of vulnerable IDPs from 325,000 to 705,000 in the past six months (see related box on population figures). Most – or some 82% – of the newly displaced have concentrated in the worst-off regions: Lower and Middle Shabelle, Hiraan and the Central regions. In short, the largest numbers of IDPs are moving to areas where host communities are already in a food and nutrition crisis and cannot support them. The increase is attributed to a variety of factors, including poor Deyr-season (October–December) rains leading to a deepening drought and ever worsening civil insecurity and consequent displacement. The Shabelles remain the epicenter of rising insecurity, and conflict has also played a role in Hiraan and Laas Caanood in the North.” [26o]

- 27.06 Over 2008, formerly unaffected residential areas of Mogadishu were hit by the conflict, with large IDP outflows. OCHA reported an outflow from Dayniile in January 2008 [26o]; OCHA reported, from Heliwa, Kaaraan, and Hawi-Wadaay in April 2008 [47a]; and IRIN reported, from Yaqsuid and Wardhiigley in June 2008 [10p]
- 27.07 IRIN reported in December 2008 that many IDPs who had fled from Mogadishu were still reluctant to return to the city. [26f] (protection)

“Nearly 37,000 were displaced because of violence in Mogadishu. A majority of them fled during the first week of October, particularly around 5–8 October. This period of heavy displacement coincided with intense conflict between insurgent groups and the Transitional Federal Government (TFG) or AMISOM troops. Nearly half of the displaced went to other safer areas in Mogadishu, such as Dharkenley and Daynile while another 13,000 went to Lower Shabelle, particularly Afgooye and Marka.” [26f] (protection)

27.08 In Mogadishu, the conflict in May to July 2009 created a major outflow of IDPs: the BBC reported an estimate of “more than 165,000” on 5 July 2009 [8ap] as of 29 May 2009, the IASC Population Movement Network, as part of the UN OCHA Protection Cluster Update, estimated 96,000 people had fled Mogadishu in May, of whom 26,000 went to the Afgooye corridor camps, 35,000 went to other parts of the city; and 35,000 fled to regions further away. (OCHA, 5 June 2009) [26a]

27.09 It was reported by the Chinese News Agency Xinhua, and relayed by Garowe Online on 5 June 2009, that:

“In a statement issued in Nairobi, the UN High Commissioner for Refugees (UNHCR) said the displacement was growing rapidly as the fighting rages in the restive capital. ‘The number of Somalis forced from their homes in Mogadishu has now topped 96,000 since the start of fighting between government forces and armed opposition groups on May 8,’ the UNHCR said in the statement. ‘Out of this latest total of displaced, an estimated 35,000 are still in the city, looking for shelter in more secure areas because they have no means to leave,’ it said.” [35bb]

27.10 The UNHCR reported on 13 June 2009 that since the start of the conflict on 7 May, 122,000 people had been displaced from Mogadishu. Most of the IDPs were fleeing the outer residential areas of Dharkinley (west of the city); Yaaqshiid (north west) and Karaan (north east). (UNHCR, 13 June 2009) [23i] Garowe Online reported that on 22 June 2009 a protest involving “hundreds of protestors” took place in the southern outskirts of Mogadishu, protesting about the conditions of the IDP camps along the Afgooye – Mogadishu road, and the general lack of humanitarian aid available. [35bq]

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Returns to Mogadishu

27.11 Since the start of 2009, UNHCR has estimated that some 60,000 people have returned to Mogadishu from IDP camps in the Lower and Middle Shabelle, Hiraan, Galgaduud and Midug regions, heading back to the districts of Yaaqshild, Wardhiigleey, Heliwaa, and Hawl Wadaag. The UNHCR was “... seriously concerned about the spontaneous returns to Mogadishu as the security situation is still volatile and basic services to help the returnees are not in place.” Returnees were reported stating that they returned in the hope of better conditions than those in the IDP camps, but found that their homes had been destroyed and were “facing healthcare and livelihood challenges” and only local Mother-Child Health clinics (supported by UNICEF and WHO) are in operation, with aid limited to mothers and children. (IRIN, 14 April 2009) [10az] An IRIN report of 5 March 2009 had

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previously expressed the concern for returnees returning to destroyed properties at a time when the seasonal rains were due to start. [10aq]

- 27.12 The conflict that began on 8 May 2009 saw an outflow of IDPs that had reached as of 13 June 2009 122,000 people. (UNHCR, 13 June 2009) [23i] The UNHCR published a map, dated 25 May 2009, that shows the districts of Wardhiigley and Yaaqshild have seen the main outflows of IDPs, with IDPs moving in three directions: internally into the eastern districts of Kaaraan and Shibis; to the camps to the north-west of the western suburbs of Medina/Dharkenley, at Kax Shilqaal; and to the IDP camps of the Afgooye-Mogadishu corridor. [47e]

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Afgooye- Mogadishu road

- 27.13 This area, identified by UN OCHA as the 'Afgooye corridor', stretches north-west of K10 roundabout up to Afgooye town, and, as reported in April 2008, had 221 camps with 306,000 IDPs. [47a] On 21 July 2009, the number of IDPs was reported to be over 400,000. (Garowe Online, 21 July 2009)[35b] Though the Afgooye corridor is the main cluster of IDPs directly outside Mogadishu, the OCHA map dated 25 April 2008 also shows clusters of camps at Kax-Shiiqaai (due west of the city; four camps) and Daynille (due north) where are 11 camps, approximately 200,000 IDPs [47a] UN OCHA reported on 6 June 2008 that aid to these IDPs had been severely hampered by hijackings of NGO vehicles. [26n] One of the main security incidents in Mogadishu was the 15 August 2008 bus massacres, which occurred near Arbiska, on another arterial road from Mogadishu to Afgooye. The TFG/Ethiopian forces opened fire in a retaliatory attack on two buses outside Mogadishu, which left over 40 civilians dead. On the same day, 56 people were killed and 80 wounded in incidents in and around Mogadishu. (Garowe Online, 16 August 2008) [35b] UNHCR observed on 29 January 2009: "Thousands of the city's residents who remain in IDP sites outside Mogadishu are reluctant or fearful of returning to their homes. Some 300,000 of them live in makeshift shelters in the Afgooye area, some 30 km west of Mogadishu. The area, which extends between Mogadishu and Afgooye, has the unenviable record of being the largest concentration of IDPs in the world today." [23h]

IDPs north of Mogadishu

- 27.14 IRIN reported on 20 June 2008 that: "Unlike the hundreds of thousands who fled southwards, the internally displaced persons (IDPs) in the northern areas have generally received much less attention and assistance." The report describes the conditions in Ceel Ma'an camp, located 35km north of Mogadishu, referring to scarcity of food, absence of medical care, and poor shelter that has been badly affected by heavy rains. [10o]
- 27.15 IRIN further reported on 27 August 2009 that: "Two months after food deliveries to Somalia's south-central town of Jowhar were halted, several thousand internally displaced persons (IDPs) are facing a food crisis, sources said." The report also states that: "An estimated 9,000 IDP families (49,000 people), live mostly in seven camps in the town, 90km north of the

capital, Mogadishu. The camps are Dayah, Kalagoye, Bada Cas, Baryare, Bulu Matuuni, Biyafo and Sheikh Omar Camp.” [10bh]

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BELETWEYNE

- 27.16 The BBC reported on 25 July 2008 that fighting in Beletweyne, 350km north of Mogadishu, led to insurgent forces taking the town from combined TFG/Ethiopian forces for over two days. Nineteen people were reported killed. [8p] The UN OCHA July 2008 *Humanitarian Overview* report noted that between 70,000 to 80,000 people in total fled the town for the surrounding area. [26u]
- 27.17 On 31 July 2009, IRIN reported that “the government took full control of the town on 26 July” and that a “week after government forces took control of Beletweyne in central Somalia’s Hiiraan Region, residents and internally displaced people (IDPs) hope the prevailing calm will enable them to resume normal life.” [10bi]

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CENTRAL AND SOUTHERN SOMALIA

- 27.18 OCHA estimated in January 2008 there to be 315,000 people in “a state of humanitarian emergency” in the rural areas of southern Somalia; and that of those fleeing Mogadishu, 82 per cent have migrated to areas of southern Somalia that are in dire need. [26o] In its February update, OCHA noted that 170,000 IDPs were among the 850,000 plus people in the upper central regions directly affected by drought from the failure of the 2007 rains. [26p]

See [Drought/floods](#)

- 27.19 OCHA reported on 6 June 2008 a particular crisis arising around influxes of IDPs to Buroa town. [26n]
- 27.20 The IDP population in Kismayo was reported in June 2008 to be an estimated 35,000. (Garowe Online, 17 June 2008) [35i] “The IDPs [internally displaced persons] in Kismayo are of three categories: those who fled the recent upsurge of violence in Mogadishu, those who were displaced by fighting in Jammame [55 km north of Kismayo], and the old ones from 1992,” [Mohamed Adan] Dheel [a civil society activist] said on 17 June.” (Garowe Online, 17 June 2008) [35i]
- 27.21 On 1 October 2009, IRIN reported that: “Heavy fighting between two Islamic groups in Somalia’s port city of Kismayo erupted on 1 October, with dozens killed and hundreds of families displaced” and also that “most were fleeing north of Kismayo as far as Jamame (80km) and Jilib (120km)” [10b]

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BAIDOA

146 The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

- 27.22 IRIN reported on 9 July 2008 that after the first attack on Baidoa since 2006, many IDPs originally from Mogadishu and who had settled near the presidential compound, were again displaced. [10x] The BBC reported on 27 January 2009 that the population of Baidoa welcomed the Al Shabaab regime installed after Al Shabaab fighters took the town on 26 January 2009. [8l]

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KENYAN BORDER

- 27.23 IRIN reported on 5 June 2008 that roughly 15,000 IDPs, mainly women and children, had arrived at Dhobley town near the Kenyan border over the past two months, equalling the population of the town. A camp has been set up to accommodate the IDP influx. [10q] As of February 2009, there were 255,000 Somali refugees in the designated camp complex at Dadaab in northern Kenya, with estimates by the end of 2009 of “at least 300,000 refugees and UNHCR estimates it could be as many as 360,000”. (HRW, March 2009) [30d] (p2) The Human Rights Watch report *From horror to hopelessness* is a study of the Dadaab camps; of the Kenyan Government’s approach to border control, refoulement, smuggling over the closed border; and of UNHCR registration processes. On 11 April 2009, the HRW issued a follow-up plea to the Kenyan Government to instruct border officials to give proper protection to refugees. [30e]
- 27.24 The OCHA situation report dated 19 September 2008 stated: “From the start of 2008 to 15 September [2008], 45,911 refugees had been registered in Dadaab Refugee Camp, Kenya, of which 43,879 (96%) had arrived from Somalia. There are also some 6,000 persons awaiting registration, a majority of whom arrived over the last 2–3 weeks.” [26y]

See Freedom of Movement, External movement, [Kenya](#)

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PUNTLAND

- 27.25 The last major profiling exercise carried out in the IDP camps in Puntland was in the camps around Bossaso between November 2006 and January 2007, conducted by the Danish Refugee Council and UNHCR. The 19 camps of the Bossaso area contained about 25,000 people in 4,700 households. The household sample was of 937 households, 76 per cent of the respondents were women. (UNHCR, 18 May 2007) [26ai] On clan membership, the report has a lengthy caveat, and while noting 42 clan and 158 sub-clan affiliations given in the survey, warned about the shifting dynamic of affiliation among the respondents. Of those surveyed, 16 per cent were outside the clan system (*jareer*) and 15 per cent were of minority clan affiliation (mainly Rahanweyne). 40 per cent were ethnic Somalis originally from the Somali tribal areas of Ethiopia; 24 per cent Benadir. Over 60 per cent had arrived between the years 1995–2005, with the Ethiopian Somali Region IDPS arriving slightly later than the Benadiris. (UNHCR, 18 May 2007) [26ai]

- 27.26 In 2009, the UNHCR estimated the Puntland population of IDPs as 100,000 people. (UNHCR, January 2009). [26k] There are three main centres for IDPs – Bossaso, Garowe and Galkaayo: all UNHCR field offices. Previously, the December 2007 OCHA Puntland factsheet stated:

“... It is estimated that Puntland hosts up to 70,000 IDPs living in congested settlements often with returnees and other urban poor. Conditions in the settlements vary including contaminated water and no sanitation facilities, lack of access to basic social services, disease, and regular outbreaks of fire/arson. Inter-agency IDP working group consisting of UN agencies, International Non Governmental Organisations and local partners are providing support to the Puntland authorities on the provision of humanitarian assistance (shelters, food and NFIs) to IDPs in Bosasso, Garowe, and Gaalkacyo as well as looking at the implementation of longer term responses which focus on IDP reintegration.” [26aj]

Humanitarian conditions inside the camps

- 27.27 According to a Mercy Corps news release of 14 April 2009, water is the key issue in the Puntland IDP camps, stating:

“Because she [IDP inmate] could not afford the inflated prices charged by private water vendors, and to avoid the risks inherent in fetching water outside the camp – especially at night, when rapes and beatings are common – Farhiyo spent much of her day walking as far as six kilometers to collect free or cheap water. Getting water took so much time that she was unable to earn an income to feed her children. Other households faced similarly cruel dilemmas. In those with elderly or disabled parents, children had to choose between going to school and procuring water for the family. Water, of course, came first. Even families that did buy water from private vendors were at risk. ‘The water was not treated,’ explains Abass Hassan, the chairperson of the camp committee on water. ‘So cases of diarrhea were common in almost all families, including mine.’ In 2008 Mercy Corps constructed a reservoir at the camp and filled it with safe drinking water. ‘Mercy Corps is the first and only organization to either construct a reservoir or supply water to this camp,’ notes Abass.” [65a]

- 27.28 The International Committee of the Red Cross noted in its *Annual Report 2008, Somalia*, released on 29 April 2009, the impact on health of the poor water supply:

“Diarrhoeal diseases were related to the scarcity of clean water, poor hygiene and sanitation practices, intestinal worms, and poor breastfeeding and weaning practices. Diarrhoea was one of the chief health problems in major towns and IDP camps in Puntland. In 2008, there were outbreaks of diarrhoeal diseases in both Galkayo and Garowe. In response to the outbreaks, SRCS provided chlorinated water sources for 4,465 people. Each clinic has an oral rehydration therapy (ORT) corner for the dehydrated cases. Management of the cases follows the Integrated Management of Childhood Illnesses (IMCI) approach. The clinic staff and volunteers mobilised the communities to take preventive measures on diarrhoeal diseases using ARCHI (African Red Cross/Red Crescent Health Initiative) tool kits. Anaemia and malnutrition was due to frequent diseases, intestinal worms, and lack of food, and limited knowledge about a balanced diet and

the mode of food preparation. Eye infections and skin diseases resulted from water shortages, lack of information/education, seasonal winds and poor hygiene. Some 300,000 consultations were recorded in the Somaliland and Puntland clinics during 2008, out of which 61,000 people were seen by the four mobile clinics. The increase was 43% compared to 2007.” [5e]

- 27.29 A UNICEF article of April 2009 relays information about child malnutrition in the Puntland IDP camps, stating:

“The nutritional status in most Bossaso IDP camps is poor. Home to more than 28,000 people, the Bossaso camps report global malnutrition rates, which are classified as ‘very critical’ at 24 per cent – well above the 15 per cent emergency threshold. ... Malnutrition is one of the biggest challenges facing Somali children. One in six children under age five is acutely malnourished, and one in forty is severely malnourished. Thirty-six per cent are estimated to be underweight.” [27b]

- 27.30 When aware of malnutrition and given access, international NGOs have responded: “In Bossaso IDP camps (Puntland) where very critical malnutrition rates among children have been reported, about 80% of the 7,433 children targeted in the blanket UNIMIX distribution received 10kg per child in August. The children aged 6–59 months live in the 22 IDP camps of Bossaso.” (OCHA, August 2008) [26ak]

- 27.31 As the security situation has declined in Puntland over the past two years, various international aid agencies have withdrawn staff and reduced presence. For example, after kidnappings of its workers in 2008 in Puntland, the MSF reluctantly withdraw staff from the area in May 2008. [11c]

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SOOL REGION

- 27.32 OCHA, in its *Humanitarian Analysis*, dated January 2008 noted: “Some renewed clashes and troop movements in the Sool and Sanaag in Somalia’s North East area in mid-January raised fears that another outbreak of fierce fighting was imminent and triggered minor new displacements. In response to the armed clashes in Dhansabar, people started to move again from Laas Caanood.” [26o]

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SOMALILAND

- 27.33 IRIN reported on 29 March 2009 that: “At least 15,000 Somalis, who had fled to the self-declared republic of Somaliland to escape violence in Mogadishu, want to return home following the recent change of government, but lack the means to do so, aid workers said.” [10aj] The same IRIN report noted that more than 15,000 Somalis had left Somaliland and Djibouti in January and February 2009 to return to southern Somalia. [10aj]

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28. FOREIGN REFUGEES

- 28.01 The US State Department *Country Report on Human Rights Practices 2008, Somalia*, released on 25 February 2009, observed:

“The 1990 constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and in practice the authorities granted refugee status or asylum. The UNHCR reported approximately 9,600 refugees and asylum seekers in northern Somalia; other estimates were as high as 1.5 million displaced due to conflict, food shortages, and inflation, which made it impossible to purchase rations ... Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.” [2a] (Section 2d: Freedom of movement)

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29. CITIZENSHIP AND NATIONALITY

- 29.01 The requirements for Somalian citizenship are given in Law No 28 of 22 December 1962 – Somali Citizenship. [23c] As this legislation is not being applied, we can provide no information on the acquisition of citizenship.

Passports

- 29.02 Prior to 2007, there were reports that Somali passports could be readily acquired, and the BBC, in an article dated 18 November 2004, stated:

“Similarly, the printing of passports has been privatised. For just \$80 and in less than 24 hours, I became a Somali citizen, born in Mogadishu. As I had omitted to travel with any passport-sized photos, my supplier kindly left the laminate for that page intact, for me to stick down at home. For a slightly higher fee, I was offered a diplomatic passport, with my choice of posting or ministerial job.” [8a]

- 29.03 The Economist Intelligence Unit (EIU), in its *Somalia Country Report*, dated August 2007, noted:

“The new passport issued by the TFG took effect on July 1st, when the head of the immigration department, Abdullahi Gafow, said that the use of the former Somali passport would no longer be recognised at the country’s airports. The new document, which is designed to be computer-readable, is often referred to as an ‘e-passport’ because it incorporates the latest contactless chip technology, incorporating facial and fingerprint biometrics. It is unclear how immediately useful the new document will be in practice, given its high price ‘US\$100 if bought within Somalia or US\$150 outside’ and the small number of places where it will be sold (the TFG does not control the whole country and has fewer than a dozen diplomatic missions abroad).” [17c]

- 29.04 An Awdal news report of 28 March 2008 reported that from 1 April 2008, Somalis living in the United Arab Emirates (UAE) would be able to be issued with the new passports. [32b] The report continues:

“Earlier, the UAE press reported that the Somali government had selected the UAE-Emirate of Sharjah as the main centre for issuing electronic passports and electronic identification cards for its citizens around the globe. ... Mr Gafow, however, affirmed that new immigration officers to be based in Somali Embassies would issue the Somali passport while the database will be kept with the passport-printing centre in the Sharjah Airport Free Zone. ... But Mr Gafow affirmed that the Immigration Centre would later move to Mogadishu after ensuring safety and security in all parts of the country. New e-passports will be designed as per international standards defined by the International Civil Aviation Organisation (ICAO), using the latest ‘contact less chip technology’, incorporating Facial and Fingerprints Biometric Security Recognition. Passports were to be issued in four colours to various categories – red for diplomatic missions, brown for services, black for the public and light blue for travel documents only. ... ‘Inside the country we have already opened offices in Baidoa, Bossasso, Garowe and Laas Anod,’ he said, underlining that there will be no need for people to come to Mogadishu for a passport as the case used to be under the previous government. Answering a question on whether any foreign visas have been

issued to the holders of the new passports, Mr Gafow said: 'I have entered the UAE with the new passport and a visa has been issued to me, and the American Embassy in Nairobi has been the first to issue visas to the holders of the new Somali passports.' New passports with electronic national identity cards will cost US\$ 150 for Somalis outside Somalia and US\$ 100 for Somalis residing within Somalia, making it one of the most expensive passports issued by foreign embassies in the UAE. Passport fees for other nationalities living in the UAE range between US\$ 30-50." [32b]

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30. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

- 30.01 The Landinfo report, *Documents in Somalia and Sudan*, published on 5 January 2009, caveated throughout its accounts of documentation from Somalia and Somaliland. The report states in its overview that:

“Although a Transitional Federal Government (TFG) has been established in Somalia, no agencies have been mandated to issue personal documents. Furthermore, there are no registries containing information which can establish the identity of individual citizens. In Somaliland – the breakaway republic in the north-western part of Somalia which has failed to win the recognition of any country in the world – government agencies do however issue various documents. Lack of registration procedures and internal control mechanisms as well as corruption give serious cause to question the reliability of these documents.” [45e]

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31. EMPLOYMENT RIGHTS

- 31.01 The United States Department *Country Report on Human Rights Practices, 2008, Somalia*, (USSD report for 2008) stated:

“The 1990 constitution allows workers to form and join unions, and the TFC [Transitional Federal Charter] respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the NUSOJ. The Puntland Charter and the Somaliland Constitution also protect workers’ freedom of association. Labor laws were not enforced in all parts of the country, resulting in an absence of effective protection for workers’ rights.

“The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year [2008].

“The TFC allows unions to conduct their activities without interference and grants workers the right to strike.” [2a] (**The Right of Association**)

- 31.02 The USSD report for 2008 stated:

“Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. There was no information on the existence or status or foreign of migrant workers in Somalia. With an estimated 43 percent of the population earning less than 40,000 Somali shillings (less than \$1) per day, there was no mechanism to attain a decent standard of living for workers and their families. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country. By year’s end 3.5 million Somalis required emergency humanitarian assistance.” [2a] (**Acceptable Conditions for Work**)

Forced labour

- 31.03 The USSD report for 2008 noted:

“The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.” [2a] (**Prohibition of Forced or Compulsory Labor**)

- 31.04 As noted in the Report of the Joint British-Nordic Fact-Finding Mission (JFFMR) of March 2004, members of minority groups were subjected to forced labour by majority clans in southern and central regions, though the prevalence of the practice could not be confirmed. Members of majority clans were dependent on the farming skills of minority groups. They are promised either food or money for their work; however, usually no payment

is given. Minority clans are not in a position to object to this practice. If they refuse to work, or if they demand payment, they could be killed. [7c] (p32-33)

See [Ethnic groups](#)

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Annex A - Chronology of major events

The BBC Somalia Timeline, updated 5 October 2009, stated:

- 1960** British and Italian parts of Somalia became independent, merged and formed the United Republic of Somalia; Aden Abdullah Osman Daar elected president.
- 1991** Opposition clans ousted Barre who was forced to flee the country.
- 1991** Former British protectorate of Somaliland declared unilateral independence.
- 1992** US Marines landed near Mogadishu ahead of a UN peacekeeping force sent to restore order and safeguard relief supplies.
- 1995** UN peacekeepers left, having failed to achieve their mission.
- 1998** Puntland region in northern Somalia declared unilateral independence.
- 2000** **August–October** Clan leaders and senior figures met in Djibouti and elected Abdulkassim Salat Hassan president of Somalia. Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrived in Mogadishu to heroes' welcomes. Gelayadh announced his government, the first in the country since 1991.
- 2001** **April:** Somali warlords, backed by Ethiopia, announced their intention to form a national government within six months, in direct opposition to the country's transitional administration.
- 2004** **August:** A new transitional parliament was inaugurated at a ceremony in Kenya. In October the body elected Abdullahi Yusuf as president.
- 2004** **December:** Prime Minister Ali Mohammed Ghedi was approved in office by parliament.
- 2006** **February:** The transitional parliament met in Somalia – in the central town of Baidoa – for the first time since it was formed in Kenya in 2004.
- 2006** **March and May:** Scores of people were killed and hundreds injured during fierce fighting between rival militias in Mogadishu. It was the worst violence in almost a decade.
- 2006** **June–July:** Militias loyal to the Union of Islamic Courts (UIC) took control of Mogadishu and other parts of the south after defeating clan warlords. A political stand-off emerged between the Islamic Courts and the transitional government based in Baidoa.
- 2006** **July–August:** Mogadishu's air and seaports are re-opened.
- 2006** **December:** UN Security Council endorsed African peacekeepers to help prop up the interim government. Islamist leaders said they will treat any foreign forces as invaders. Ethiopia confirmed it is engaged in fighting against the Islamists in Somalia, and Ethiopian troops, and TFG forces routed the Islamist militias.

¹⁵⁶ The main text of this COI Report contains the most up to date publicly available information as at 5 October 2009. Further brief information on recent events and reports has been provided in the Latest News section to 12 November 2009.

- 2007 January:** Islamists abandoned their last stronghold, the port town of Kismayo. President Abdullahi Yusuf entered Mogadishu for the first time since taking office in 2004. US carried out air strikes in southern Somalia which it says targeted al-Qaeda personnel sheltering there; Somali president defended the attack. Interim government imposes three-month state of emergency.
- 2007 February:** UN Security Council authorised a six-month African Union peacekeeping mission for Somalia.
- 2007 March:** African Union troops landed at Mogadishu airport amid pitched battles between insurgents and government forces backed by Ethiopian troops.
- 2007 March–April:** During March–April 2007, heavy fighting between the insurgents and the government forces, described by the UN as the worst fighting the country had seen for 16 years, displaced approximately 390,000 people from the city. More sophisticated, targeted attacks by the insurgents have continued since that period of the heaviest fighting, including an attempted suicide car bomb attack on Somali Prime Minister Ghedi. Many civilians have been killed in the retaliatory spray shooting by TFG/Ethiopian forces when there have been suspected insurgent attacks.
- 2007 June:** A US warship shells suspected Al-Qaeda targets in Puntland. Prime Minister Ghedi escapes a suicide car bomb attack on his compound. Ethiopian Premier Meles Zenawi visits Mogadishu, pledging to withdraw his troops once peace takes hold.
- 2007 July:** National reconciliation conference opens in Mogadishu and comes under mortar attack. Islamist leaders stay away from the talks. Refugee exodus grows amid an upsurge in violence.
- 2007 August:** Human Rights Watch accuses Ethiopian, Somali and insurgent forces of war crimes, and the UN Security Council of indifference during the recent conflict. The National Reconciliation Conference ended on 30 August 2007 with mixed opinions of its success.
- 2007 September:** Opposition groups form a new alliance to campaign for a military and diplomatic solution to the Somali conflict. They meet in Asmara, Eritrea.
- 2007 October:** Ethiopian forces fire on demonstrators in Mogadishu protesting at the presence of what they call foreign invaders. The heaviest fighting in Mogadishu since April 2007 occurred during this month. Ethiopians moved reinforcements into the city. Prime Minister Ghedi resigned. Aid agencies have warned of a catastrophe unfolding in Somalia.
- 2007 November:** The Transitional Federal Government shuts down Radio Shabelle, Radio Simba and Radio Banadir. The UN special envoy Ahmedou Ould-Abdallah describes Somalia's humanitarian crisis as the worst in Africa, and suggests using international justice to curb the violence. Nur Hassan Hussein, also known as Nur Adde, was sworn in as the new Prime Minister. The number of Somali refugees hits one million, with nearly 200,000 fleeing the capital in the past two weeks.

- 2007 December:** Ethiopian troops leave key central town of Guriel.
- 2008 January:** Burundi becomes the second nation to contribute troops to the African Union peacekeeping force, sending 440 soldiers to Mogadishu.
- 2008 March:** The United States launches a missile strike on the southern town of Dhoble targeting a suspected al-Qaeda member wanted for the 2002 bombing of Israeli-owned hotel in Kenya. The Islamist-led insurgency continues to spread.
- 2008 April:** The European Union calls for international efforts to tackle piracy off the Somali coast after a series of hijackings and attacks on vessels. A United States air strike kills Aden Hashi Ayro, a leader of the Al-Shabaab insurgent group.
- 2008 July:** Heavy fighting in Beletweyn led to 70,000 people fleeing the town as IDPs.
- 2008 August:** Rift in the TFG over the sacking of Mogadishu mayor, Mohamed Dheere; Ethiopian President hints of possible Ethiopian withdrawal.
- 2008 December:** Ethiopia announces plans to withdraw all forces by end of 2008. President Abdullahi Yusuf tries to sack Prime Minister Nur Hassan Hussein over his attempts to draw moderate Islamists into the government. Parliament declares the dismissal unconstitutional and passes a vote of confidence in Mr Nur. Mr Yusuf resigns.
- 2009 January:** The Ethiopian forces withdraw from Mogadishu on 13 January, and from Somalia entirely on 25 January.
- 2009 February:** Intense fighting between TFG and insurgents, 23–25 February.
- 2009 April:** President Sharif pushes through the introduction of Shari'a law, with final Presidential approval in May 2009
- 2009 May:** From 7 May until 15 July, a period of intense conflict in Mogadishu with the insurgent forces in the ascendant.
- 2009 June:** The Minister of Security killed; State of Emergency declared; the Government appeals to the international community for assistance.
- 2009 July:** 15 July is the first reversal for insurgent forces. A stalemate in the conflict begins.
- 2009 October:** Al-Shabab wins control over the southern port city of Kismayo after defeating the rival Hizbul-Islam Islamist militia, which withdraws to villages to the west. At least 20 are killed and 70 injured in fighting that threatens to spread to the rest of the Islamist-controlled south. [8g]

For events in Somalia since 5 October 2009, see [Latest news](#)

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Annex B - Political organisations

Transitional Federal Government (TFG)

Dominated by Hawiye, Darod, Rahanwheh and Abgal clans, headed by President Sheikh Sharif Sheikh Ahmed and Prime Minister Omar Abdirashid Sharmarke Nur Hassan Hussein Ali Mohamed Gedi. The TFG incorporates many different political groups such as ARS-D and RRA. [61c]

Alliance for the Re-Liberation of Somalia - Djibouti faction (ARS-D)

This group incorporates various clans but is dominated by the Hawiye clan. Led by Sheikh Sharif Sheikh Ahmed and an integral part of the TFG. [61c]

Alliance for the Re-Liberation of Somalia - Asmara faction (ARS-A)

Led by Sheikh Hussein Dahir Aweys, this group are based in Asmara, Eritrea and are informally aligned with Al-Shabaab and JIS as a part of the insurgency against the TFG. [61c]

Al Shabaab

This is a terrorist organisation aligned with JIS and ARS-A. They are thought to be led by Abu Zubeyr, whose real name, according to Somali sources, is Ahmed Godane. [61c] [10bg]

Ahlu Sunna wal Jamaa

Led by Sheikh Abdiqadir Somow, this is an Islamist umbrella group aligned to the TFG and in opposition to ARS-A, Al-Shabaab and JIS. [61c]

Jabhadda Islamiyya Somalia (JIS)

Led by Sheikh Abdiqadir (Kudmandoos), this group are aligned with ARS-A and Al Shabaab. [61c]

Puntland Regional State

The dominant faction in Puntland, led by Abdirahman Mohamed Mohamud (Puntland president) and Abdullahi Yusuf Ahmed (former TFG president). [61c]

Islamic Union Party (al-Ittihad al-Islam)

Islamist group which aims to unite ethnic Somalis from Somalia, Ethiopia, Kenya and Djibouti in an Islamic state. Despite being virtually decimated following Ethiopian attacks, the group has been perceived as attempting to spread fundamentalism and was subject to international attention following the terrorist attacks in the US in September 2001. The group has in fact dropped its radical agenda and poses no terrorist threat. [17a] (p11) [1a] (Political Organizations)

Digil Salvation Army (DSA)

Clan-based group created in 1999 and allied to Mr Aideed in fighting the RRA in the Shabeellaha Hoose region. [17a] (p11)

Juba Valley Alliance (JVA)

Grouping of Ogaden, Marehan and Abar Gedir clans. Placed their territory under the control of the TNA in May 2002. Founded 2003, its President is Bare Adan Shire. [17a] (p11) [1a] (Political Organizations)

Rahawayn Resistance Army (RRA)

Clan-based group, allied to the SRRC; behind the self-proclaimed south-western Somalia administration. Its Chairman is Mohamed Hasan Nur. [17a] (p11) [1a] (Political Organizations)

Rahawayn Salvation Army (RSA)

Clan-based group opposed to RRA administration in the Bay and Bakool regions. [17a] (p11)

Somali Democratic Movement (SDM)

Hawiye group operational in Mogadishu and the Bay and Bakool regions. The SDM appears to have formed an alliance with the SNA. [17a] (p11)

Somali National Alliance (SNA)

Founded in 1992, as an alliance between the Southern Somali National Movement (which withdrew in 1993) and the factions of the United Somali Congress, Somali Democratic Movement and Somali Patriotic Movement. Its Chairman is Hussein Mohamed Aidid. A splinter group of the United Somali Congress (USC), it is itself divided into two AbarGedir/Hawiye political factions, one led by Mr Aideed and one by Mr Osman 'Ato'. The SNA appears to have formed an alliance with the SDM. [17a] (p11) [1a] (Political Organizations)

Somali National Front (SNF)

Founded 1991; guerrilla force active in southern Somalia, promoting Darod clan interests and seeking restoration of Somali Revolutionary Socialist Party (SRSP) Government. A rival faction (led by Omar Haji Masaleh) is active in southern Somalia. Its leader is Gen Mohamed Siad Hersi 'Morgan'. [1a] (Political Organizations)

Somali National Salvation Council (SNSC)

Alliance of 12 political groups, headed by Musa Sude Yalahow. Formed in 2003 to oppose the Nairobi peace talks. [17a] (p11)

Somali Patriotic Movement (SPM)

Darod group formed in 1989 to oppose the Siad Barre regime. Ousted from Kismayu, its base since 1993, in June 1999. Represents Ogadenis (of the Darod clan) in southern Somalia; this faction of the SPM has allied with the SNF in opposing the SNA. Its Chairman is Gen Aden Abdullahi Noor ('Gabio'). [17a] (p11) [1a] (Political Organizations)

Somali Peace Alliance (SPA)

Political and military coalition formed in Garoe in August 1999, comprising the armed forces of Puntland, the RRA, the SPM and a faction of the SNF. [17a] (p11)

Somali Reconciliation and Restoration Council (SRRC)

Alliance of factions created to oppose the TNA in March 2001 at Awasa, Ethiopia. [17a] (p12)

Somali Revolutionary Socialist Party (SRSP)

Founded in 1976 as the sole legal party; overthrown in January 1991. Conducts guerrilla operations in Gedo region, near border with Kenya. Secretary General position is vacant; Assistant Secretary General is Ahmed Suleiman Abdullah. [1a] (Political Organizations)

Somali Salvation Alliance (SSA)

Ali Mahdi Mohamed's Abgal/Hawiye political grouping, a splinter group of the USC. [17a] (p12)

Somali Salvation Democratic Front (SSDF)

Originally a Majerteen-Darod resistance group formed in 1978 to operate against the Siad Barre regime in the north-east. It is now the political organisation behind the self-proclaimed Puntland administration. Founded in 1981, as the Democratic Front for the Salvation of Somalia (DFSS), as a coalition of the Somali Salvation Front, the Somali Workers' Party and the Democratic Front for the Liberation of Somalia. Operates in central Somalia, although a smaller group has opposed the SNA around Kismayu in alliance with the SNF. Chairman is Mohamed Abshir Monsa. [17a] (p12) [1a] (Political Organizations)

United Somali Congress (USC)

Founded in 1989; in central Somalia. Overthrew Siad Barre in January 1991. Party split in 1991, with this faction dominated by the Abgal sub-clan of the Hawiye clan, Somalia's largest ethnic group. The USC is led by Abdullahi Ma'alin, and its Secretary General is Musa Nur Amin. Initially included the Aideed faction, it is now more commonly allied with the SSA or the SNA. [17a] (p12) [1a] (Political Organizations)

Union of Islamic Courts also referred to as Islamic Court Union (UIC)

Founded in 2003 by Sheikh Sharif Sheikh Ahmed. Its main body is the Islamic Supreme Consultation Council of Islamic Courts, known as the *Shura* (council). It is made up of 91 members, and functions as an advisory body for the local courts. The Council is headed by Sheikh Hassan Dahir Aweys. The UIC has also established a 15-member executive council, with Sheikh Sharif as its Chairman, which acts as an executive branch of government and implements decisions. The UIC was expelled from Mogadishu in December 2006, and its organisation within Somalia has been effectively shattered; in light of this, there is little information on its present make-up or organisation. [10g]

United Somali Party (USP)

North-eastern group involved in the creation of Puntland. [17a] (p12)

Somali African Muki Organisation (SAMO)

Represents Bantu minority population. The leader is Mowlid Ma'ane. Also part of the G8 at the Nairobi peace talks. [10b]

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Annex C - Somali clan structure

Clan family			Sub-clans/groupings		Sub-sub clans	Residential location
DIR	Issa (Ise, Isse)					All regions of Somalia. Also Ethiopia, Djibouti, Kenya
	Gadabursi (Medelug)					
	Bimal (Biyemal)					
	Madahwayn					
	Mehe					
<div>The 2000 FFM identifies the Issaq as a sub-clan of the DIR, DIR-Mehe-Issaq</div>			Habr Awal		Saad Muse Issa Muse	Ethiopia, Djibouti W/Galbed, Togdheer Sanag
			Habr Jaalo (Habr Toljaalo; Haber Geelo)		Mohamed Abokor Ibrahim Muse Abokor Ahmad	
			Habr Tojala			
			Ayub			
			Habr Garhadjjs		Habr Yunis Aidagalla (Idagale, lidagale)	
DAROD		Marehan	Red Dini Rer Hassan Eli Dheere			All regions of Somalia. Also Kenya and Ethiopia
		Kabaleh	Absame	Ogaden	Makabul Muhamed Zubeir Aulihan	
			Jiwaq			
			Harti	Majerteen	Omar Mahamoud Issa Mahamoud Osman Mahamoud	
			Dulbahante			
			Warsangeli			
		HAWIYE	<div>Intermediary Harti – Majerteen + Gaalgale</div>		Harti	
Waesli						
Waculus						
Wabudan	Da'oud Rer Mattan Mohamed Muse					
Habr Gedir	Ayr Saad Suleiman Sarur					
<div>Intermediary – from minor clan (2000) into Hawiye - Sheikal</div>			Hawadle			
			Murasadde (Murosade)			
			Sheikal		Gandershe	
			Gaalgale (Galjael, Galje'el)			
			Waadan			

DIGIL-MIRIFLE	DIGIL-TUNNI	Todoobo Tol "the seven clans"	Shangamas Rer Brava Warile Hatimy Hajuwa Bidda Wali Daqtira Goygal Da'farad	Mainly Lower Shabelle, also Middle Juba, Bay, Hiran, Gedo and Mogadishu. Also Kenya and Ethiopia
	DIGIL-GELEDI		Dabarre	
			Jiddu	
			Garre	
RAHANWEYN	Mirifle	Sideed The "Eight":	Maalinweyna Harien Helleda Elai (Eelay) Leysan Jiron and others	Bay, Bakool, Gedo. Also Kenya and Ethiopia
(Some commentators give Rahanweyn as main group including all Digil-Mirifle) See note in text				
		Sagaal The "Nine":	Gassa Gudda Hadama (Hadame) Luwai Jilible Geledi, and others	Bay, Bakool, Gedo, Middle Juba, and Hiran. and Ethiopia
	Clans existing in 2000 but no longer are classed as distinct clan entities	Shekhal	Held to have merged within Hawiye structure in late 1990s	
		Barawan		
		Bantu	Mushunguli Swahili Bajuni	Lower Juba Middle Juba
		Asharaf	The 2000 FFM states "Religious groups can be found in major towns"	
		Rer Hamar		Mogadishu
		Arabs		Mogadishu Lower Shabelle Lower Juba Bay
For persons deemed to be outside the clan system, Luling refers to <i>Jareer</i> ; Helander uses the term Commoner				

Adapted from sources (JFFMR December 2000) [7a], (FFMR November 1997) [7d], (Jane's Information) [61a] (Menkhaus, 2004) [51a] (p24) For more detailed information on the Somali clan structure, refer to the 'Genealogical table of Somali clans' at Annex 3 of the JFFMR December 2000. See also Section 20.02 Somali clans. [7a]

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Annex D - Main minority groups

Taken from OCHA, A study on minorities in Somalia 1 August 2002. [26a] (p11-12)

Minority group: **BANTU**
 Ethnic origin: Bantu communities in East and Central Africa
 Est. pop: 15% (of the 7m total)
 Location: In the riverine areas across the Juba and Shabelle rivers: Jilib, Jamame, Buale, Sakow, Merka, Qoryoley, Afgoye, Jowhar, Balad, Buloburte, Beletweyne
 Language: Somali (both Maay and Mahatiri; Mushunguli)
 Religion: Islam and small percentage of Christian (about 300 people) mainly from the Mushunguli communities in Kakuma refugee camp
 Clan affiliation: Some Bantu sub-clans in the Lower Shabelle region identify themselves with Digil and Mirifle in the Lower Shabelle region
 Traditional skill: Small scale – farming and labourers

Minority group: **RER HAMAR**
 Ethnic origin: Immigrants from Far East countries
 Est. pop: 0.5%
 Location: Shangani and Hamarweyne districts in Mogadishu; and Merka
 Language: Somali (Rer-Hamar Dialect)
 Religion: Islam
 Clan affiliation: Some sub-clans have patron clans within Hawadle
 Traditional skill: Business, fishing

Minority group: **BRAWAN/BRAVANESE**
 Ethnic origin: Arab immigrants mainly from Yemen
 Est. pop: 0.5%
 Location: Mainly in Brava
 Language: Bravanese
 Religion: Islam
 Clan affiliation: No patron clans
 Traditional skill: Business, fishing

Minority group: **BAJUNI**
 Ethnic origin: Kiswahili people from Kenya Coast
 Est. pop: 0.2%
 Location: Kismayo, and islands off coast: Jula, Madoga, Satarani, Raskamboni, Bungabo, Hudey, Koyama, and Jovay islands.
 Language: Bajuni
 Religion: Islam
 Clan affiliation: No patron clans
 Traditional skill: Mainly fishing

Minority group: **GALGALA**
 Ethnic origin: Samale
 Est. pop: 0.2%
 Location: Mogadishu and Gedihir in the Middle Shabelle region
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Identify themselves as Nuh Mohamud; Clan patrons – Osman Mohamud and Omar Mohamud sub-clans of Majerteen
 Traditional skill: Wood craft making, pastoralists

Minority group: **GAHEYLE**
 Ethnic origin: Samale
 Est. pop: 0.1%
 Location: Erigabo (Sanag)
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Warsengeli (Darod)
 Traditional skill: Pastoralists

Minority group: **BONI**
 Ethnic origin: -
 Est. pop: 0.1%
 Location: Along the border between Kenya and Somalia
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: No patron clan
 Traditional skill: Hunters

Minority group: **EYLE**
 Ethnic origin: Sab
 Est. pop: 0.2%
 Location: Mainly in Burhakaba, Jowhar and Bulo Burte
 Language: Somali (some use May, and others Mahatiri)
 Religion: Islam
 Clan affiliation: Rahanweyn
 Traditional skill: Hunters and gatherers

Minority group: **MIDGAN (GABOYE)**
 Ethnic origin: Samale
 Est. pop: 0.5%
 Location: Scattered in the north and central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali (Mahatiri)
 Religion: Islam
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgadud region [26a] (p3)
 Traditional skill: Shoemakers

Minority group: **TUMAL and YIBIR**
 Ethnic origin: Samale
 Est. pop: 0.5% and 0.5%
 Location: North and Central Somalia, Hiran, Mogadishu and Kismayo
 Language: Somali dialect of the clan to which they are attached [7a] (p58)
 Religion: -
 Clan affiliation: Isak in Somaliland, Darod in Puntland Hawadle, Murasade and Marehan in Galgadud region [26a] (p3)
 Traditional skill: Blacksmiths/Hunters

Minority group: **ASHRAF**
 Ethnic origin: Arab immigrants from Saudi Arabia
 Est. pop: 0.5%
 Location: Merka, Brava, Bay and Bakool
 Language: Mainly May, some Mahatiri
 Religion: Islam
 Clan affiliation: Rahanweyn

Traditional skill: Farmers and pastoralists

See also Minority groups

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Annex E - Prominent people

Travel Document Systems undated entry on Somalia, accessed on 2 October 2009, stated:

“Following the December 29, 2008 resignation of former TFG President Abdullahi Yusuf Ahmed, Sheikh Sharif Sheikh Ahmed was elected by the Transitional Federal Parliament as President of the TFG on January 30, 2009. On February 13, 2009, President Sharif appointed Omar Abdirashid Ali Sharmarke as the new Prime Minister of the TFG and Sharmarke was confirmed by the TFP on February 14. Following a no-confidence motion against former Speaker of Parliament Sharif Hassan Sheikh Aden on January 17, 2007, the TFP elected Sheikh Aden Mohamed Nur ‘Madobe’ as Speaker on January 31, 2007. A cabinet known as the Council of Ministers also exists; a new cabinet of 36 ministers was appointed on February 20, 2009, and approved by Parliament on February 21, 2009.” [78a]

Other Ministers

Deputy Prime Minister and Minister of Fisheries and Ocean Resources--Abdirahman Aden Ibrahim
 Deputy Prime Minister and Minister of Finance--Sharif Hassan Sheikh Aden
 Deputy Prime Minister of Energy and Petroleum Resources--Abdiwahid Elmi Gonjeeh
 Minister of Foreign Affairs--Mohamed Abdullahi Omaar
 Minister of Defense--Mohamed Abdi Mohamed
 Minister of National Planning and International Cooperation--Abdirahman Abdishakur Warsame
 Minister of Constitution and Federal Affairs--Madobe Nunow Mohamed
 Minister of Interior--Abdulkadir Ali Omar
 Minister of Security--Abdullahi Mohamed Ali
 Ambassador to the United Nations--Elmi Ahmed Duale
 Ambassador to the United States--N/A. (Travel Document Systems, undated) [78a]

Col Barre “Hiirale” Aden

Leader of the Juba Valley Alliance (JVA), which controls the surrounding Juba valley area. He is a member of the TFP and was named in the cabinet but has so far declined to be sworn in as a minister. He is from the Marehan sub-clan of the Darod clan. [10d]

Mohamed Qanyare Afrah

Mogadishu faction leader allied to Mr Aideed and Minister of National Security in Mr Ghedi's cabinet. A member of the SRRC (Somali Reconciliation and Restoration Council). [17a] (p9)

Abdullahi Yussuf Ahmed

Interim president in the Federal Transitional Parliament (FTP). Mr Abdullahi is a former Somali Salvation Democratic Front (SSDF) leader and a former President of Puntland. [17a] (p9)

Sheikh Sharif Sheikh Ahmed

Head of the Union of Islamic Courts' (UIC) 15-member executive committee. [8b] [10g] The UIC was expelled from Mogadishu in December 2006, and its organisation

within Somalia was effectively shattered. Leader of the moderate Djibouti-based wing of the Islamist ARS; member of the Abgal clan. Candidate for the Presidential elections of 2 February 2009. [8i]

Hussein Mohamed Aideed

Son of General Aideed. Mr Aideed is Minister of Internal Affairs in the cabinet of Mr Ghedi. A member of the SRRC, his USC/SNA forces control much of south Mogadishu and large tracts of southern Somalia. [17a] (p9)

Abdirahman Mohamed Ali

A former general in the Somali army, appointed as Defence Minister in the cabinet of Mr Ghedi. [17a] (p9)

Sheikh Hassan Dahir Aweys

A leader of the Islamist group which controlled much of southern Somalia, including the capital, Mogadishu. The United States says it will refuse to deal with him, as he has been on the US list of people "linked to terrorism" since shortly after the 9/11 attacks in 2001. He is the head of the UIC's Shura, a consultative body, while Sheikh Sharif Sheikh Ahmed, previously Chairman, now heads the executive committee. [8b] [10g] He returned to Mogadishu on 28 April 2009. [8y]

Aden Hashi Ayro

Military head of Al-Shabaab reported killed in a US missile strike on 1 May 2008. [8n]

Hassan Abshir Farah

A former Prime Minister of the TNA and former Interior Minister of Puntland. [17a] (p9)

Abdirahman Mohamed Farole

Elected President of Puntland on 8 January 2009. [8k]

Ali Mohamed Ghedi

Former Prime Minister in the FTP. Mr Ghedi has taught at Mogadishu University and worked for the AU. He has no formal links to armed groups. [17a] (p8) Candidate in the 2 February 2009 presidential elections. [8i]

Abdikassim Salat Hassan

Former interim President in the Transitional National Assembly (TNA). Mr Hassan has close ties with the Islamic courts and the business community in Mogadishu. [17a] (p9)

Gen Ade Muse Hirsi

Former President of the self-declared autonomous region of Puntland. Lived in exile in Canada but returned to Somalia in 2001 to lead opposition forces against Abdullahi Yusuf, then leader of Puntland, until 2003 when they signed a peace deal. He is from the Majeerteen sub-clan of the Darod clan. [10d]

Gen Muhammad Said "Morgan" Hirsi

Siad Barre's son-in-law and former Defence Minister. He controlled Kismayo until his forces were defeated by forces led by Hiirale and Serar in 1999. He is a member of the Majeerteen sub-clan of the Darod clan. A member of the SRRC. [10d] [17a] (p9)

Nur Hassan Hussein "Nur Adde"

Appointed Prime Minister of the TFG on 22 November 2007. [3d] (p1) Candidate for the 2 February 2009 presidential elections. [8i]

Dahir Riyale Kahin

President of the self-styled Somaliland Republic. Relatively new to politics, before being appointed Vice-President in 1997 his only experience of public administration was a 15-year stint as a secret police officer under the Siad Barre regime. [17a] (p9)

Ali Hassan “Ato” Osman

Construction Minister in the cabinet of Mr Ghedi. A former chief financier of General Aideed, his United Somali Congress (USC)/Somali National Alliance (SNA) forces control parts of south Mogadishu. He also belongs to the SRRC. [17a] (p9)

Mohamed Ali Aden Qalinleh

Former RRA spokesman. Appointed Governor of the RRA administration in the Bay region in 1999. [17a] (p9)

Mohamed Nur Shatigudud

President of the self-declared regional administration of south-western Somalia: one of five co-chairmen of the SRRC, and Minister of Agriculture in Mr Ghedi's cabinet. [17a] (p9)

Ahmed Mohamed Mohamoud Silanyo

Presidential candidate for the Kulmiye party in the Somaliland elections. A former Chairman of the Somali National Movement (SNM). [17a] (p9)

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Annex F - List of abbreviations

AI	Amnesty International
AMISOM	African Union Mission in Somalia
AWD	Acute Watery Diarrhoea
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EIU	Economist Intelligence Unit
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FTP	Federal Transitional Parliament
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
STC	Save The Children
STD	Sexually Transmitted Disease
TB	Tuberculosis
TFA	Transitional Federal Assembly
TFG	Transitional Federal Government
TI	Transparency International
UIC	Union of Islamic Courts (also referred to as Islamic Court Union (ICU), Supreme of Islamic Courts Council and Islamic Courts Council)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex G - References to source material

The Home Office is not responsible for the content of external websites.

Numbering of the source documents below is not always consecutive because some older sources have been removed in the course of updating this document.

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