

COUNTRY OF ORIGIN INFORMATION REPORT

SOMALIA

27 OCTOBER 2006

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, 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 30 September 2006. The 'latest news' section contains further brief information on events and reports accessed from 1 October 2006 to 27 October 2006.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office 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 Home Office caseworkers 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 Home Office upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, the Home Office 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 Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases,

6 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

the Panel'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 1 OCTOBER 2006 TO 27 OCTOBER 2006

27 October Tensions between Ethiopia and the Union of Islamic Courts (UIC) continued throughout October. The UIC has accused Ethiopia of incursions into Somalia in support of the Transitional Government.

http://www.irinnews.org/report.asp?ReportID=55869&SelectRegion=Horn_of_Africa&SelectCountry=SOMALIA

<http://news.bbc.co.uk/2/hi/africa/6087850.stm>

<http://news.bbc.co.uk/1/hi/world/africa/6092060.stm>

2 October The UIC has permitted *HornAfrik* radio sub-station in Kismayo to resume normal broadcasting. The station was shut down on 28 September 2006, as it was accused by the UIC of inciting violence. Three reporters working for *HornAfrik* were briefly detained. The UIC denies authorising these detentions, and stated that the journalists were immediately released.

http://www.irinnews.org/report.asp?ReportID=55788&SelectRegion=Horn_of_Africa&SelectCountry=SOMALIA

http://www.irinnews.org/report.asp?ReportID=55764&SelectRegion=Horn_of_Africa&SelectCountry=SOMALIA

REPORTS ON SOMALIA PUBLISHED OR ACCESSED SINCE 1 OCTOBER 2006

Background Information

GEOGRAPHY

- 1.01 As recorded in Europa Regional Surveys of the World online version:
- “The Somali Democratic Republic lies on the east coast of Africa. After the overthrow of Mohamed Siad Barre’s regime by the United Somali Congress (USC) in 1991, hostilities between rival insurgents, exacerbated by clan-based enmities and regionally-based territorial aspirations, proliferated nation-wide. The UN’s largest ever peace-keeping operation (UNOSOM II, initiated in 1993) failed and its associated troops and civilian personnel were evacuated. No sustained progress towards resolving Somalia’s multi-factional conflict was achieved until after mid-2000 when a charter was approved paving the way for Somalia’s transition to a federal democracy. In early 2005 the Prime Minister, Ali Mohammed Ghedi, announced from exile in Kenya a new 91-member Cabinet and declared his intention to return the Government to Somalia. Mogadishu is the capital. The national language is Somali.” [1a] (Location, Climate, Language, Religion, Flag, Capital)
- 1.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006 noted that the population was 10.4m, and that the main towns were the capital Mogadishu, Hargeisa, Gaalka’yo, Kismayu, Bossaso [Bossaso, Bosaso], Laascaanood, Berbera, and Borama. [17a] (p3)
- 1.03 As noted in the report of the joint Danish-British Fact-Finding Mission based in Nairobi, Kenya, published in December 2000 (JFFMR December 2000), 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. [7a] (p1-15)
- 1.04 The JFFMR December 2000 indicated that in addition to these languages some minority groups speak their own language; the Bajuni, for example, speak Ki-Bajuni. However in all contacts with the Somali – speaking population there would be a need to speak at least some Somali. [7a] (p26)

For further information on geography, refer to Europa World online, source [1a].

MAP

1.05 Map of Somalia.



Map No. 3990 Rev. 6 UNITED NATIONS
July 2004

Department of Peacekeeping Operations
Cartographic Section

Maps of Somalia are available from the following websites:

United Nations Cartographic Section,
<http://www.un.org/Depts/Cartographic/english/htmain.htm>

Date accessed 26 October 2006.

Reliefweb

<http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&cc=som>

Date accessed 26 October 2006.

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12 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

ECONOMY

- 2.01 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006, 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.” [17a] (p16)

- 2.02 The EIU in its profile 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. By contrast, 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.

“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 April and November 2000 and several similar deliveries arrived in Mogadishu under the Transitional National Assembly (TNA) from 2000-03. In Somaliland the Somaliland shilling became legal tender in February 1995. Money changers operate legally and freely, even though multiple currencies continue to circulate.” [17a] (p16)

- 2.03 The EIU in its profile noted:

“The economy is likely to have contracted in recent years because of the impact of the ban on livestock imports imposed by Saudi Arabia and other Gulf states. Economic activity was further hampered by the US-led international seizure of assets of the *Al-Barakat* money transfer company in November 2001, which stemmed the flow of overseas remittances from the Somali diaspora. In the first half of 2001 inflation rose dramatically throughout the country as substantial amounts of foreign-printed currency were injected into the economy. Generally, food insecurity is the main cause of significant change in the inflation rate.” [17a] (p17)

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HISTORY

COLLAPSE OF CENTRAL GOVERNMENT AND CIVIL WAR

3.01 Europa noted:

“Anti-Government demonstrations in Mogadishu in July 1989, in protest at the arrest of several leading Muslim clerics, were violently suppressed by the armed forces, resulting in the deaths of more than 400 demonstrators. Two recently created opposition groups, the United Somali Congress (USC—composed of Hawiye clan intellectuals) and the National United Front of Somalia (allegedly dominated by disaffected army officers), were thought to have orchestrated the demonstrations. In August [1989], amid reports that the ruling Marehan clan had lost the crucial support of the Ogadeni clan, the President offered to relinquish power and announced that the next elections would take place in the context of a multi-party system. At the same time there were reports of fighting between government troops and members of the Ogadeni clan in southern Somalia, and Western sources claimed that the only areas of the country that remained under government control were Mogadishu, parts of Hargeysa and Berbera.

“Meanwhile, the USC gained support in the south, where its forces were fighting alongside those of the Somali Patriotic Movement (SPM). In the north the emergence of the Somali Democratic Alliance (SDA), led by Mohamed Farah Abdullah, intensified the challenge to Siad Barre’s authority. The President responded to these pressures by dismissing the Government in January 1990 and offering posts (which were refused) in a successor administration to prominent opposition leaders. A new Government, headed by Samater, took office in February [1990].

“In July 1990 the Council of Ministers endorsed the proposals of August 1989 for the democratization of Somalia’s political system. It was decided that, following a review by the People’s Assembly, a new constitution would be submitted to a national referendum in October [1990], and that multi-party legislative and local government elections would be held in February 1991. In August 1990 the USC, the SNM and the SPM agreed to co-ordinate their separate military campaigns to overthrow Siad Barre. In October [1990] the Government announced the immediate introduction of the new Constitution and a new electoral code. Siad Barre relinquished the post of Secretary-General of the SRSP, in accordance with the Constitution, which stipulated that the President should hold no responsibilities other than those of the presidency. Despite the apparent readiness of the new Government to hasten the process of political reform, the principal insurgent groups showed no signs of relaxing their military campaigns, and in November [1990] SPM forces seized control of Kismayu, in southern Somalia. On 25 December [1990] legislation was introduced to permit the establishment of political parties opposed to the Government.” [1a] (Recent History)

3.02 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 11 September 2006, 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)

3.03 The FCO in its profile added:

“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)

PEACE INITIATIVES 2000-2006

3.04 The US State Department in its Background Note of September 2006 noted:

“Efforts at mediation of the Somali internal dispute have been undertaken by many regional states. In the mid-1990s, Ethiopia played host to several Somali peace conferences and initiated talks at the Ethiopian city of Sodere, which led to some degree of agreement between competing factions. The Governments of Egypt, Yemen, Kenya, and Italy also have attempted to bring the Somali factions together. In 1997, the Organization of African Unity and the Intergovernmental Authority on Development (IGAD) gave Ethiopia the mandate to pursue Somali reconciliation. In 2000, Djibouti hosted a major reconciliation conference (the 13th such effort), which in August resulted in creation of the Transitional National Government (TNG), whose 3-year mandate expired in August 2003. The absence of a central government in Somalia since 1991 has allowed outside forces to become more influential by supporting various groups and persons in Somalia, particularly Djibouti, Eritrea, Ethiopia, Egypt, Yemen, and Libya, all of which have supported various Somali factions and transitional governments.

“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, with Shariff Hassan Sheik Adan as its Speaker. 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). A cabinet was formed in January 2005, but was dissolved in August 2006 and has yet to be re-formed.” [2d] (Political conditions)

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

3.05 Europa reported:

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“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

3.06 Europa noted:

“In July 1998 Col Abdullahi Yussuf Ahmed, a former leader of the SSDF, announced the formation of ‘Puntland’, a new autonomous administration in north-eastern Somalia. In August 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 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 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 Yussuf was elected President of Somalia ... 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'

3.07 The Foreign and Commonwealth Office (FCO), in its Country Profile on Somalia dated 11 September 2006, 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)

3.08 The FCO profile 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)

For further information on history, refer to Europa World online, source [1a].

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RECENT DEVELOPMENTS

4.01 The EIU in its report of August 2006 noted:

“After a bloody four-month battle militiamen loyal to Mogadishu’s network of Islamic courts took virtually complete control of the capital in early June [2006] and large swathes of southern Somalia in early July [2006], leading to a major shift in the balance of power across the country. Islamist leaders made a point of considerable political significance when, on June 6th [2006], they moved into the building in Mogadishu that had served as headquarters of the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT), a coalition of several Mogadishu-based clan faction leaders formed in February [2006] to counter the city’s Islamist groups, and converted it to an Islamic court. Having flexed their muscle and ousted the secular clan-faction leaders who have run most of the capital for the past 15 years, the Islamic courts, called the Somali Supreme Islamic Courts Council, elected a conservative leader in the form of Sheikh Hassan Dahir Aweys, who now heads the courts’ legislative branch, the Council of Islamic Courts (CIC). Many observers in the West fear that Mr Aweys desires an Islamic state in Somalia, possibly creating a haven for international terrorist groups.

“In the eyes of the international community Mr Aweys, who dismisses his supposed links to al-Qaida as US propaganda, is undoubtedly a serious rival to Abdullahi Yusuf Ahmed, the interim president of Somalia, who wasted no time in agreeing a hasty deal with the Islamic courts, in which both sides agreed to acknowledge the other. Simultaneously, Mr Yusuf was attempting to bolster his impotent interim administration, based in Baidoa, with an international peacekeeping force. There is little chance of such a force materialising on the ground in Somalia until some semblance of stability can be achieved over large parts of the country. At present the only force that looks likely to achieve this is that of the CIC, and it has stated quite categorically that foreign peacekeepers are not wanted. The defeat of the ARPCT, which was widely believed to have had US backing, has undermined the effectiveness of any US initiatives in the country, narrowing the options for Mr Yusuf. However, his regime remains politically very close to Ethiopia, which has massed troops on the border. It is not out of the question that Ethiopia might intervene militarily, with tacit US support, to prevent a complete Islamist takeover of Somalia.” [17b] (p5)

4.02 The UN Integrated Regional Information Networks (IRIN) in a report dated 5 September 2006 noted:

“Somalia’s transitional government on Tuesday [5 September 2006] hailed an agreement to unify armed groups allied to it with forces loyal to the country’s increasingly influential Islamic courts as an important first step towards restoring peace.

“Representatives from the Transitional Federal Government and the Union of Islamic Courts (UIC) agreed on Monday during talks mediated by the League of Arab States in the Sudanese capital, Khartoum, to ‘reconstitute the Somali national army and the national police force and work towards reintegration of the forces of the Islamic Courts, the TFG and other armed militias in the country’.

“In view of the agreement in Khartoum, a special summit of the Intergovernmental Authority on Development (IGAD), the regional body that has spearheaded efforts to restore security in the Horn of Africa country, was downgraded to what the host, Kenya, termed ‘a forum for informal consultations’.” [10I] (p1)

4.03 The Power and Interest News Report (PINR) in an article dated 27 September 2006 reported:

“After appearing to stall in mid-September [2006], the Islamic Courts Council (I.C.C.), which aims at establishing an Islamic state in Somalia, recovered its momentum, taking the key southern port city of Kismayo on September 24 [2006], resuming its program of social reconstruction and responding favorably to Washington’s moves to open a ‘diplomatic channel.’

“By assuming control of Kismayo, the I.C.C. extended its sphere of influence into Somalia’s Middle and Lower Jubba regions in the country’s deep south, running up against the Kenyan border and filling out its presence to consolidate all of Somalia south of the border of the breakaway sub-state of Puntland.

“The I.C.C.’s success in the deep south further weakened the internationally recognized, but impotent Transitional Federal Government (T.F.G.), which is now thoroughly isolated in the provincial town of Baidoa and dependent on external military support from Ethiopia, which reportedly rushed a convoy of troops to Baidoa on September 25 [2006] to defend the town against any move by the I.C.C. to take it.

“Expanding its control into the deep south was in the I.C.C.’s perceived vital interest in averting the deployment of African peacekeepers in Somalia who would protect the T.F.G. In mid-September 2006, the African Union (A.U.) had approved a peacekeeping mission that would begin in early October to function under the aegis of the Intergovernmental Authority on Development (I.G.A.D.) – a regional cooperation organization of Somalia and its immediate neighbors – and would be staffed, in its first wave, by Sudanese and Ugandan troops.” [35a] (p1)

4.04 The report added:

“A deeply divided city, Kismayo does not fit the I.C.C.’s pattern of moving in only when it has negotiated a deal with local notables; the Courts movement abandoned its preferred strategy there because of its insistent perceived interest in warding off a peacekeeping mission. As a result of acting in the absence of an accord, the I.C.C. faced a violent anti-Islamist demonstration of several thousand people in Kismayo on September 25 [2006] that its forces broke up by firing machine guns at the crowd, leaving one person dead. In the wake of the clash, the I.C.C. banned demonstrations and took up positions throughout the city.” [35a] (p2)

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CONSTITUTION

5.01 As recorded in Europa Regional Surveys of the World, online version:

“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)**

‘PUNTLAND STATE OF SOMALIA’ CHARTER

5.02 The US State Department Report on Human Rights Practices covering 2005 (USSD) recorded that the autonomous ‘Puntland State of Somalia’ also has a Charter. As noted by the USSD, it provides for freedom of expression and prohibits torture except where this is imposed by Shari’a courts. **[2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

‘REPUBLIC OF SOMALILAND’ CONSTITUTION

5.03 As reflected in the USSD report, the self-declared ‘Republic of Somaliland’ adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. **[2a] (Trial Procedures)**

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POLITICAL SYSTEM

6.01 The US State Department in its Background Note of September 2006 noted:

“Somalia has no national government at present; however, a two-year reconciliation process led by the Inter-governmental Authority on Development (IGAD) concluded in 2004 following the formation of a transitional government, the components of which are known as the Somalia Transitional Federal Institutions (TFIs). The TFIs include a transitional parliament, known as the Transitional Federal Assembly (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)

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Human Rights

INTRODUCTION

- 7.01 The United Nations High Commissioner for Refugees (UNHCR) position paper of January 2004 (UNHCR 2004) stated:

“Throughout the country, human rights violations remain endemic. These include murder, looting and destruction of property, use of child soldiers, kidnapping, discrimination of minorities, torture, unlawful arrest and detention, and denial of due process by local authorities. In 2003 a local human rights organization, the *Isma'il Jimale Human Rights Centre*, documented 530 civilian deaths in armed conflicts between July 2002 and June 2003. A pastoralist conflict in south Mudug in July 2003 claimed an unusually high number of lives for a dispute over rangeland – 43 dead and 90 injured – most of who were civilians. In July 2003, the targeting of young girls for rape and killing was prominent in clan disputes in Baidoa, and kidnappings in Mogadishu reached such alarming proportions that the public took to the streets to protest. Gender-based violence is prevalent, including rape, female genital mutilation and domestic violence. The cultural attitudes of traditional Elders and law enforcement officials routinely result in restrictions on women’s access to justice, denial of their right to due process and their inhumane treatment in detention.” [23a] (p2)

“The prolonged absence of a central government complicates efforts to address the human rights violations. While the *de facto* authorities are accountable for the human rights situation in the areas they control, many are either not aware of or choose to ignore international conventions, or do not have the capacity to enforce respect for human rights and justice. As a result, an environment of impunity reigns in many areas, which presents a major challenge for UN agencies and NGOs seeking to strengthen measures to ensure the protection of civilians.” [23a] (p2)

- 7.02 As reflected in the Report of the Joint British-Nordic Fact-Finding Mission of January 2004 (JFFMR March 2004):

“Violations of human rights and humanitarian law have shifted considerably since the period of 1991-92. At this time egregious human rights violations occurred in a wide range of areas. Murder, massacres, rape, and targeting of civilians were all widespread practices in southern and central Somalia. Ethnic cleansing campaigns, especially in Mogadishu and valuable riverine areas of southern Somalia, created massive displacement and suffering. Forced conscription and quasi-enslavement on farms was visited upon weak social groups such as the Bantu; and scorched earth tactics were employed by retreating militia to render whole communities destitute and vulnerable to famine.

“Since 1991/2, important changes have occurred in Somalia with regard to human rights and humanitarian law. Incidents of massacres, rape, and ethnic cleansing are rare (recent examples in Baidoa are the exception rather than the rule). A gradual reintegration of communities has occurred in many areas, including Mogadishu; and there have been no instances of

militias intentionally provoking famine to divert food aid. Food aid itself continues to pour into the country, but is less frequently targeted by looters. But one very negative trend has been an increase in attacks on and assassinations of national and international staff members of international relief agencies. Four international aid workers were killed in Somalia in October 2003 alone, making Somalia one of the most dangerous sites for humanitarian work in the world.” [7c] (p13)

7.03 The FCO in its profile of 11 September 2006 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 ICU’s [Islamic Courts Union] 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)

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SECURITY SITUATION

POLICE

- 8.01 The USSD report US State Department report on Human Rights Practices 2005 stated:

“The police were generally ineffective. Corruption within the various police forces was endemic. Members of titular police forces throughout the country were often direct players in politically-based conflict, and owed their positions to other politically active individuals. In Somaliland, more than 60 percent of the budget was allocated to maintain a militia and police force composed of former troops. 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)**

- 8.02 Reuters Alertnet reported the murder of BBC journalist Kate Peyton in February 2005 on 10 February 2005. The same report gave an insight into the problems facing the police: “The Somali police boss investigating the murder of BBC journalist Kate Peyton has no force to patrol his perilous beat and no money to pay them even if he had.” The article also noted:

“Three years ago Awale headed Mogadishu’s beleaguered police, and he then told Reuters he would dearly like technical help and training from foreign police forces to restore law and order. ‘I ask them to come here and assist us,’ Awale said in 2002. ‘We welcome international assistance with our policing.’ His appeal was never heeded, amid suspicions in Washington in the wake of the September 2001 attacks that the administration he worked for harboured radical Muslims. That government collapsed in 2003, unlamented by the Western nations that had repeatedly brushed aside its requests for help. Siad Barre’s old security chief, Ahmad Jilow Adow, told Reuters in Nairobi lack of trained police meant ordinary people were effectively held hostage by people with guns. ‘We can restore order if we have 10,000 trained policemen,’ Jilow, currently living in Nairobi, said. ‘But we cannot do this without the financial support of the international community. They have to invest the funds.’” **[19a] (p1-2)**

- 8.03 The article added:

“In 2000 Jilow came out of retirement to serve as security chief for the same ill-fated government that employed Awale. He watched in consternation as Western nations spent money patrolling the coasts in an expensive counter-terror operation but failed to train his men or fund disarmament. Now Awale is helping a similarly penniless successor administration by using his informal network of unpaid police to find the men who gunned Peyton down in the capital on Wednesday [9 February 2005].” **[19a] (p2)**

- 8.04 The report also observed:

“As Awale’s contacts went about their work – some of them greying holdovers from Siad Barre’s era – Somalis expressed sadness at Peyton’s death and doubts about the abilities of the new government formed last year in the relative safety of Kenya.” **[19a] (p2)**

- 8.05 The United Nations Commission on Human Rights, in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, noted:

“While in Hargeisa, the independent expert received reports that police brutality was increasing, as many officers were using harsher methods. The case of Ahmed Shamadle was raised. On 2 January 2005, police allegedly shot and killed two unarmed persons and wounded two others near the Ministry of Public Works. The Police Unit Leader as well as a policeman have been arrested and are being detained awaiting trial. In another recent case on 30 January 2005, police allegedly shot and killed one person who was clearing roads for the municipality, reportedly at the instigation of a resident. The police officer in question was being held and the incident was being investigated by authorities. These cases were later raised with the Vice-President, the Minister for the Interior and the Minister of Justice. Despite these incidents, it was also reported that since October 2004, the Minister for the Interior was more cooperative on a variety of issues raised with him. The importance of tackling police behaviour through training and sensitization was emphasized.” [4a] (p15)

- 8.06 The United Nations Secretary General, in his situation report on Somalia to the Security Council dated October 2005 (UNSCR), noted the following:

“The United Nations Rule of Law and Security Programme has been providing technical and financial support for a law enforcement seminar and training workshop for the Somali Police Force in Kampala, since August 2005. The workshop brings together former police personnel from across the country in order to develop a road map to guide the rebuilding of the civilian police force. As a first step towards demobilization, disarmament and reintegration, the Programme is also supporting demobilization efforts in and around Mogadishu through a pilot initiative entitled ‘Support for peacebuilding and demilitarization’ ...” [3a] (p12)

TORTURE

- 8.07 The US State Department’s (USSD) Report on Human Rights Practices covering 2005 stated:

“The unimplemented Transitional Federal Charter (TFC) prohibits torture, and the Puntland Charter prohibits torture “unless sentenced by Islamic Shari’a courts in accordance with Islamic law”; however, there were some reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

“Security forces, police, and militias also abused and beat persons during the year [2005]. During a January 26 to February 7 [2005] mission to Somaliland, the UNIE [UN Independent Expert on Human Rights in Somalia] noted an increase in police brutality in Somaliland. Acts of violence, including several killings, continued against TFG [Transitional Federal Government] supporters or members ...

“On February 2 [2005], 16-year-old Zamzam Ahmed Dualeh was unconditionally freed by authorities and released into the custody of the

UNIE. In August 2004 in Hargeisa, Somaliland police arrested and detained Dualeh and Omar Jama Warsame, her taxi driver, on espionage charges; both allegedly were beaten in detention, and Dualeh claimed that six policemen tortured and raped her. In December 2004 Dualeh was tried as an adult without legal representation and sentenced to five years' imprisonment. The four attorneys retained by local human rights activists to represent Dualeh were detained and sentenced to four years' imprisonment after they asked the judge to withdraw from the case due to alleged bias; in December 2004 the attorneys were released on appeal after they paid a fine." [2a] (Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)

EXTRA-JUDICIAL KILLINGS

8.08 The USSD report 2005 stated:

"Since the collapse of the government in 1991 tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Incidents of arbitrary deprivation of the right to life occurred in the following contexts: factional militia fighting for political power and control of territory and resources, including revenge reprisals; criminal activities, widespread banditry, settlement of private disputes over property and marriage; and revenge missions after incidents such as rapes, family disagreements, and abductions. The vast majority of killings during the year [2005] resulted from clashes between militias or from unlawful militia activities; several occurred during land disputes, and a number involved common criminal activity. Numerous killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA [Rahanweyn Resistance Army] sub-factions in Bay and Bakol regions; the Somali National Front sub-factions in north Gedo; the Awlyahan and Bartire subclans in Buale; the Dir and Habar Gidir subclans in Galkacyo; the Dir and Marehan subclans in Galgudud; the former Transitional National Government and gunmen in Mogadishu; Abgal intra-clan fighting in and around Jowhar; Habar Gidir intra-clan fighting in Mudug; Puntland's forces and those of Somaliland in the disputed regions of Sool and Sanaag; and General Mohammed Said Hersi Morgan's Somali Patriotic Movement and those of the Juba Valley Alliance in Kismayu." [2a] (Arbitrary or Unlawful Deprivation of Life)

8.09 The USSD report also noted:

"During the year [2005] hundreds of civilians were killed, mostly during inter-clan or intra-clan militia clashes. For example, in the Kenya-Somalia border area of el-Waq, April and July [2005] fighting between the Garre and Marehan clans resulted in dozens of deaths, the displacement of thousands, and the closure of the border crossing in Mandera. In April [2005] fighting in central Somalia, in Galkayo and Obiyo, between subclans Habar Gidir Sa'ad and Habar Gidir Sulieman resulted in numerous deaths. In June [2005] fighting in Beledweyne between militias from the Galje'el and Jajele subclans, reportedly triggered by a land dispute and revenge for the killings of two Jajele men and one Galje'el man, resulted in at least 30 killings." [2a] (Arbitrary or Unlawful Deprivation of Life)

8.10 Extra – judicial killings, and attempted assassinations, continue to be reported. On 19 September 2006, the BBC reported:

“Somalia’s interim government has increased security around its base after Monday’s [18 September 2006] assassination attempt on President Abdullahi Yusuf. Cars and people entering and leave the town of Baidoa were being checked, reports the *AP [Associated Press]* news agency.

“Some officials have accused the Islamist group which controls much of southern Somalia of links to the blast.

“At least 11 people were killed after a suicide bomber drove a car into President Yusuf’s convoy.

“He escaped virtually unharmed but his younger brother and a Ugandan security official were among the five people killed in the blast.

“Six attackers were killed in an ensuing gun battle and two were arrested, officials say.

“It is not clear who carried out the attack.” [8j] (p1)

8.11 The BBC in a report dated 18 September 2006 stated:

“Gunmen have shot dead a 65-year-old Italian nun and her bodyguard at a hospital in Somali capital, Mogadishu. The attackers shot the nun three times in the back at the women and children’s hospital in the south of the city before fleeing the scene.

“It is unclear if the shooting is connected with strong criticism by a radical Somali cleric about the Pope’s recent comments on Islam.” [8g] (p1)

8.12 The report added:

“Yusuf Mohamed Siad, security chief for the Union of Islamic courts (UIC) which controls Mogadishu, said two people had been arrested.” [8g] (p1)

ARMED FORCES

8.13 As reflected in Europa Regional Surveys of the World, online version:

“Of total armed forces of 64,500 in June 1990, the army numbered 60,000, the navy 2,000 and the air force 2,500. In addition, there were 29,500 members of paramilitary forces, including 20,000 members of the People’s Militia. Following the overthrow of the Siad Barre regime in January 1991, there were no national armed forces. Somalia was divided into areas controlled by different armed groups, which were based on clan, or sub-clan, membership. In March 1994 the UN announced that 8,000 former Somali police-officers had been rehabilitated throughout the country, receiving vehicles and uniforms from the UN. Following the UN withdrawal from Somalia in early 1995, these police-officers ceased receiving payment and their future and their hitherto neutral stance appeared uncertain. In December 1998 a 3,000-strong police force was established for the Banaadir region (Mogadishu and its environs). An additional 3,000 members (comprising former militiamen and police-officers) were recruited to the force in early 1999; however, the force was disbanded within months. Following his election to the presidency in August 2000, Abdulkasim Salad Hasan

announced his intention to recruit former militiamen into a new national force: by December [1999] some 5,000 Somalis had begun training under the supervision of Mogadishu's Islamic courts. However, efforts to establish a new national armed force have made little progress since the Government's return to Somalia from exile in 2005. In August 2004 the total armed forces of the self-proclaimed 'Republic of Somaliland' were estimated to number 7,000." [1a] (Defence)

- 8.14 The US State Department in its Background Note of September 2006 stated:

"There are no Somali armed forces. Before the collapse of the Siad Barre regime and dissolution of the national armed forces in 1991, the Somali National Army was made up of the army, navy, air force, and air defense command. Various groups throughout Somalia currently 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)

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MILITARY SERVICE

- 9.01 War Resisters' International (WRI) survey in 1998 noted that a national service programme existed until 1991 under the Siad Barre administration; since the collapse of his Government this has ceased to apply. Conscription had been introduced in Somalia in 1963 but was not implemented until 1986. All men aged between 18 and 40 years old, and women aged between 18 and 30 years old, were liable to perform national service for a two-year period. There were reports of forced conscription under Barre's administration, including recruitment of minors. It is not clear whether women were also conscripted. [27a]

CONSCIENTIOUS OBJECTORS AND DESERTERS

- 9.02 WRI in 1998 stated that there were no provisions for conscientious objection during the time conscription was in force. However, it is not clear whether the law was enforced systematically. The source stated that conscientious objectors were considered to be deserters and were forced into the armed forces, or were imprisoned. [27a]

RECRUITMENT BY CLAN MILITIAS

- 9.03 WRI in 1998 stated that there was no tradition of forced recruitment in the various armed Somali clan militias. Militias were apparently able to recruit their members on a voluntary basis. Refusal to join a clan militia would reportedly not have any negative consequences. [27a] It was indicated in the JFFMR March 2004 that joining one's own clan militia was considered obligatory. [7c] (p31-32)

DEMOBILISATION INITIATIVES

- 9.04 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) of October 2005 stated:

"Women's groups, along with other civil society and business groups, have played a prominent role in initiating and supporting pre-disarmament encampments in Mogadishu. They have also been successful in convincing militia leaders in both Mogadishu and Kismayo to dismantle a large number of checkpoints and improve the security environment in those cities to some degree." [3a] (p7)

- 9.05 The UN Integrated Regional Information Networks (IRIN) in a report dated 6 July 2006 reported:

"In Mogadishu, the UIC [Union of Islamic Courts] has concentrated on dismantling the notorious road-blocks, thereby effectively demobilising the clan-based militia and neutralising the warlords and local faction leaders, and denying them much-needed resources for the militia. Critically, it allows the population freedom of movement, and removes the daily threat of intimidation and extortion. It also removes the threat of spontaneous conflict from the 'freelance' militia, who live off what they can demand or steal. Many are addicted to drugs and qat [khat] and attack indiscriminately." [10i] (Military)

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ABUSES BY NON-GOVERNMENT ARMED FORCES

CLAN-BASED MILITIAS

- 10.01 As noted in the Joint UK-Nordic Fact-Finding Mission Report of January 2004 (JFFMR March 2004), there were three types of militia operating in Somalia: 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)**

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JUDICIARY

- 11.01 As recorded in Europa Regional Surveys of the World, online version:
- “Following the withdrawal of the UN peace-keeping force, UNOSOM, in early 1995, most regions outside of Mogadishu reverted to clan-based fiefdoms where Islamic (Shari’a) law (comprising an Islamic Supreme Council and local Islamic high courts) prevailed. In October 1996 Ali Mahdi Mohamed endorsed a new Islamic judicial system under which appeals could be lodged on all sentences passed by Islamic courts, and no sentence imposed by the courts could be implemented prior to an appeal court ruling. In August 1998 the Governor of the Banaadir administration announced the application of Shari’a law in Mogadishu and its environs thenceforth.”
[1a] (Judicial System)
- 11.02 As noted in the US State Department’s (USSD) Report on Human Rights Practices covering 2005:
- “The unimplemented TFC [Transitional Federal Charter] provides for an independent judiciary; however, there is no national judicial system. The charter replaced the 1990 constitution; however, for many issues about which the charter is silent, the constitution still applies.
- “The charter provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari’a, the Penal Code of the pre-1991 government, or some elements of the three. For example, in September [2005] the managing operator of K-50 airport was killed by a local man who was angry over removal of teashops from the terminal area. An aviation security force apprehended the man, who was turned over to traditional authorities. They summarily found him guilty and condemned him to death. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.”
[2a] (Denial of Fair Public Trial)
- 11.03 As noted in the US State Department’s International Religious Freedom Report covering 2005 (USSDRF):
- “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. Shari’a courts throughout Mogadishu were asserting their authority, attracting support from businessmen, and sometimes, at least superficially, working across clan lines that traditionally form the primary basis for identity and loyalty.” **[2b] (Legal/Policy Framework)**
- 11.04 The BBC in an article dated 11 July 2006 stated:
- “If you go around the city and ask people about the changes in Mogadishu, many would first tell you about how things are more secure, however fragile the security may seem.
- “Car drivers and owners tell you they have no fear of robbery because there is no shelter for the perpetrators under the rule of Islamic courts.

“Those who have mobile phones are happy that now they can answer their calls anywhere.

“But with the young Islamic militia opposed to dancing, television and music, residents fear the future may turn into something like Afghanistan under the Taleban.

“Being Muslims, most residents are reluctant to reject the idea of Islamic rule. Yet they are not happy with what they see as increasing radicalism in the city.

“Robbers are arrested every day and are being put in jail.

“In the 1990s, the first Islamic courts amputated the hands of thieves and stoned to death murderers and rapists.

“One of the UIC’s leaders, Sheikh Sharif Sheikh Ahmed, say [sic] it is not possible to enforce such Islamic punishments now but he says Sharia should become Somalia’s law in the future.” [8d] (p2)

SOUTHERN SOMALIA

11.05 The Freedom House Report on Somalia covering 2004 stated:

“Somalia’s charter provides for an independent judiciary, although a formal judicial system has ceased to exist. In Mogadishu, Sharia (Islamic law) courts have been effective in bringing a semblance of law and order to the city. Efforts at judicial reform are proceeding slowly. The Sharia courts in Mogadishu are gradually coming under the control of the transitional government. Most of the courts are aligned with various subclans.” [20a] (p578)

PUNTLAND

11.06 As reflected in the USSD Country Report for 2005:

“The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama began in 2001. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the administration’s judicial system.

“In July [2005] there was a clash between the traditional justice methods and the state judiciary when Puntland President Adde Musa would not allow blood compensation by the clan of an accused killer of a police officer. President Musa insisted Puntland courts handle the case with the possibility of a death sentence if the accused was found guilty. On July 20 [2005], the sub-clan of the accused attacked the hotel outside where President Musa and TFG President Yusuf were residing, which resulted in the deaths of several security guards. The subclan also freed their imprisoned clansman.” [2a] (Trial Procedures)

SOMALILAND

11.07 The USSD Country Report for 2005 stated:

“The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. Although Somaliland has a constitution based on democratic principles, it continued to use the pre-1991 laws. There was a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that local officials had a tendency to interfere with legal matters. The UNIE also raised concerns about the Public Order Law in Somaliland, which reportedly has been used to detain and imprison people without trial.” [2a] (Trial Procedures)

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ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 As reflected in the US State Department (USSD) Report on Human Rights Practices covering 2005, dated 8 March 2006:

“Judicial systems are not well established, are not based upon codified law, do not function, or simply do not exist in most of the country. Respect of codified law requiring apprehension with warrants based on sufficient evidence issued by authorized officials; prompt judicial determinations; prompt access to a lawyer or family members; or other legal protections for the detained was rare. There is no evidence of a functioning bail system or equivalent.

“Arbitrary arrest was a problem. Authorities in Puntland and Somaliland arbitrarily arrested journalists during the year [2005] as did faction and militia leaders ...” **[2a] (Arrest and Detention)**

- 12.02 The USSD report stated:

“Lengthy pretrial detention was a problem. Persons were sometimes held for extended periods while awaiting trial. Militias and factions detained persons for unduly long periods without trial and without charge.” **[2a] (Arrest and Detention)**

- 12.03 Amnesty International (AI), in its annual report covering events in 2005, stated:

“There was no rule of law or justice system in the central and southern regions of Somalia, apart from a number of Islamic (Sharia) courts, which did not follow recognized international standards of fair trial.” **[6a] (Justice and the rule of law)**

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PRISON CONDITIONS

13.01 As reflected in the USSD report for 2005:

“Prison conditions remained harsh and life threatening. The main prison in Hargeisa, built in 1942 to hold 150 inmates, held over 800 prisoners. After his January-February visit, the UNIE [UN Independent Expert on Human Rights in Somalia] stated that in comparison to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. The UNIE noted that the prisons lacked funding and management expertise. Overcrowding, poor sanitary conditions, a lack of access to adequate health care and inadequate food and water supply persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards reportedly was common in many prisons. The detainees’ clans generally were required to pay the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies.” **[2a] (Prison and Detention Center Conditions)**

13.02 As reflected in the USSD report for 2005, convicted juveniles continued to be kept in jail cells with adult criminals. **[2a] (Prison and Detention Center Conditions)** In addition, the United Nations Commission on Human Rights (UNCHR) in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, and the USSD both cited the practice of parents having their children incarcerated when they want them disciplined; these children were also reportedly held with adults. **[2a] (Prison and Detention Center Conditions) [4a] (p12 & 17)**

13.03 The UNCHR in its report dated 11 March 2005 stated:

“From his discussions with prison inmates, the independent expert noted that prisoners seem, in general, to be treated adequately in Somalia’s prisons. The main problem identified during this mission, and acknowledged by prison officials, concerns the lack of basic care and amenities (medicines, nutrition, etc.) vocational training, and cramped conditions, which could be accounted for by lack of finances rather than a lack of willingness to improve the conditions of those incarcerated. For example, while in Hargeisa, the mission again visited the main prison, which was built in the 1940s to hold about 150 prisoners, but today houses over 800 inmates. The independent expert noted that, compared to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. In this regard, the independent expert notes that support from the international community and NGOs working on prison conditions and treatment would be welcomed. During his mission, the independent expert raised the issue of the treatment of female prisoners in Somalia. Following the independent expert’s request in an earlier mission to establish a special unit in each police station staffed by women, and the success of such experiments thus far, he calls upon all authorities in Somalia to follow such a model.” **[4a] (p9-10)**

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DEATH PENALTY

14.01 The death penalty is retained in Somalia. AI reported that during 2005:

“Eight men, including one tried in his absence, were sentenced to death in Somaliland in November [2005] for the murders of two British aid workers in 2003 and a Kenyan aid worker in 2004. They were alleged to be members of a group linked to *al-Qa’ida*. Their appeals were pending at the end of the year [2005].” [6a] (Death Penalty)

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POLITICAL AFFILIATION

15.01 The USSD report noted:

“The country is fragmented into three autonomous areas: the Transitional Federal Government (TFG) in the south, the self-declared Republic of Somaliland in the northwest, and the State of Puntland in the northeast. In August 2004 a 275-member clan-based Transitional Federal Assembly (TFA) was selected, and in October 2004 the TFA elected Abdullahi Yusuf Ahmed, former Puntland president, as the Transitional Federal president. In December 2004 Yusuf Ahmed appointed Ali Mohammed Ghedi as Prime Minister. Presidential elections in Somaliland, deemed credible and significantly transparent, were held in April 2003. During Somaliland parliamentary elections in September there was little evidence of election violence or intimidation, and most voters were able to cast their ballots without undue interference. In January [2005] after years of internecine power struggles, Puntland’s unelected parliament selected General Adde Messe as president. The civilian authorities did not maintain effective control of the security forces.” [2a] (p1)

15.02 The BBC in an article dated 26 February 2006 reported:

“Somalia’s parliament has met inside the country for the first time since it was formed in Kenya more than a year ago. The meeting was held in a food warehouse in the central town of Baidoa, far from the dangers of the capital Mogadishu.

“It is the latest attempt to restore authority in the country after 15 years of factional fighting.

“Some 205 of the 275 MPs were present at the meeting. But several powerful Mogadishu warlords did not attend.

“The warlords are part of a group allied to Parliament Speaker Sharif Hassan Sheikh Adan unhappy with President Abdullahi Yusuf.

“The two sides are split over whether Mogadishu is safe enough to host the interim government, and whether to keep foreign peacekeepers.

“Sitting the first meeting in Baidoa was seen as a compromise between the two factions.” [8b] (p1)

15.03 The International Crisis Group (ICG) in a summary of its report entitled “Can the Somali Crisis Be Contained?”, dated 10 August 2006, stated:

“Somalia has been drifting toward a new war since the Transitional Federal Government (TFG) was formed in late 2004 but the trend has recently accelerated dramatically. The stand-off between the TFG and its Ethiopian ally on the one hand, and the Islamic Courts, which now control Mogadishu, on the other, threatens to escalate into a wider conflict that would consume much of the south, destabilise peaceful territories like Somaliland and Puntland and possibly involve terrorist attacks in neighbouring countries unless urgent efforts are made by both sides and the international community to put together a government of national unity.

“The Islamic Courts’ success, and the rise to prominence of hard-line jihadi Islamists within them, has alarmed neighbours and sent shock waves through the broader international community. Ethiopia, which suffered terrorist attacks by *al-Itihaad al-Islami (AIAI)* in the mid-1990s, considers the Courts a direct threat. Kenya is alarmed by links between key figures within the Courts and individuals of concern within its own borders. The U.S. believes jihadi Islamists within the Courts shield al-Qaeda operatives responsible for bombing two of its embassies in 1998. All share determination not to allow Somalia to evolve into an African version of Taliban-ruled Afghanistan. Meanwhile, the Transitional Federal Government is increasingly perceived within Somalia as a faction rather than a national authority and is so wracked by internal dissent and the accelerating defections of cabinet ministers that it threatens to fall apart.

“The TFG and Ethiopia paint the Islamic Courts – far too simplistically – as a terrorist umbrella, backed by thousands of foreign jihadi fighters, and Ethiopia has threatened to ‘crush’ them if they move against the TFG. The Courts have responded to Ethiopian deployments in Somalia by calling for a defensive jihad and breaking off peace talks under Arab League auspices. Skirmishes between TFG and Islamic Court forces south of Mogadishu in late July [2006] were widely perceived as the first exchanges of a coming conflict. Unless the crisis is contained, it threatens to draw in a widening array of state actors, foreign jihadi Islamists and *al-Qaeda*. Moreover, Eritrean assistance to the Courts has made Somalia an increasingly likely proxy battlefield between long-feuding Eritrea and Ethiopia.” [25a] (Executive Summary and Recommendations)

15.04 The ICG added:

“The situation is, in part, a by-product of the long decline of Mogadishu factional leaders, who a decade ago monopolised political representation in the country but have gradually faded, creating a political vacuum filled by the Islamists. Their decline has multiple causes, including unwillingness to provide basic services and rule of law in areas they controlled and the rise of rival business elites. The clan-based Sharia court system in Mogadishu, which began a decade ago as a local mechanism to deal with chronic lawlessness and is almost entirely affiliated with Hawiye lineages, is valued by local people and business interests as one of the few sources of local governance in the south. Its ascent has radically altered Somali politics. Since the Courts defeated prominent faction leaders in four months of heavy fighting in Mogadishu this year, they have consolidated their grip on the capital and its environs, establishing a new political force in the south which threatens to eclipse the fragile TFG.

“Ironically, the crisis is a direct product of ill-conceived foreign interventions. Ethiopia’s attempts to supplant the earlier Transitional National Government (2000-2003) with one dominated by its allies alienated large sections of the Hawiye clan, leaving the TFG with a support base too narrow to operate in and near Mogadishu. The calls of the African Union and the Intergovernmental Authority on Development (IGAD) for foreign peacekeepers, intended to bolster the TFG, have instead cast it as ineffectual and dependent on foreign support, and provided a rallying cry for diverse opposition groups. U.S. counter-terrorism efforts meant to contain foreign al-Qaeda operatives have accelerated the expansion of jihadi

40 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

Islamist forces and produced the largest potential safe haven for al-Qaeda in Africa.” [25a] (Executive Summary and Recommendations)

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MOGADISHU

15.05 On 2 October 2003, *HornAfrik* News online reported that the Transitional National Government (TNG) opened an office to deal with land disputes in Mogadishu. Muhammad Siyad Barqadle, the deputy mayor of Mogadishu, said that the office would work with the courts in the Benadir region. [30a]

15.06 The EIU in its report of August 2006 noted:

“The Union of Islamic Courts (UIC) militia, which run Mogadishu’s network of Islamic courts, took control of most of the capital in early June [2006], after driving out the forces of the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT), a coalition of several Mogadishu-based clan factions formed in February [2006] specifically to counter the city’s Islamist groups ... Fierce street battles between the two groups, which had raged since February [2006], left an estimated 350 people dead, most of them civilians, and some 1,500 others wounded. Islamic leaders claimed victory at a public meeting in Mogadishu on June 5th [2006], when they also occupied the Daynile district of Mogadishu and the former site of the ARPCT headquarters in the capital. The chairman of Mogadishu’s Islamic courts, Sheikh Sharif Sheikh Ahmed, pledged to restore peace and security in the capital in a message broadcast by several radio stations in the city the same day. The meeting came a day after Islamic militia took control of the strategic town of Balad, 30 km north of Mogadishu, in a battle that left another 18 people dead. Balad is on the northern supply route from Jowhar, the former base of the interim government, which included several ARPCT leaders among its ministers.

“Fierce fighting flared again in the capital on July 9th [2006], after a month of relative calm, when Islamic court militia clashed with gunmen loyal to two other Mogadishu-based clan faction leaders, Abdi Hassan Awale and Hussein Mohamed Aideed. The two sides pounded each other with artillery and mortar fire over two days of fighting, killing at least 97 people and injuring another 449, before local elders mediated the surrender of some 500 men loyal to Mr Awale. Mr Awale had been the last ARPCT leader to remain in the capital after the Islamists seized much of Mogadishu in June [2006] and had refused calls for his surrender. He was reported to have fled his headquarters in southern Mogadishu’s K5 neighbourhood overnight. It was not clear whether Mr Aideed, who is a deputy prime minister and interior minister in the interim government, was actually in Mogadishu at the time of the July [2006] fighting.

“After losing their strongholds in the capital in June [2006], ARPCT leaders initially fled with their remaining gunmen to Jowhar, the former base of the interim government, until Islamic militia took the town on June 14th [2006]. Later reports suggested that one clan leader, Muse Sude Yalahow, had entered Kenya. Mr Yalahow was also (at least nominally) a member of the interim government, he was the minister of commerce, as were several of his ARPCT colleagues, all of whom were relieved of their cabinet positions by the interim prime minister, Ali Mohamed Ghedi, in early June. Mr Ghedi

announced the sackings in the Bay regional capital of Baidoa, where Somalia's new Federal Transitional Parliament (FTP) has been meeting since February [2006], members of the FTP voted to move the country's temporary capital to Baidoa from Mr Ghedi's ancestral town of Jowhar in late April [2006]. The three ministerial casualties in addition to Mr Yalahow were the national security minister, Mohamed Qanyare Afrah, the militia disarmament minister, Botan Elmi Isse, and the religious affairs minister, Omar Mohamed Mahmud Finish." [17b] (p6-7)

'SOUTH WEST STATE OF SOMALIA' (BAY AND BAKOOL)

- 15.07 As reflected in the JFFMR July 2002, the South West State of Somalia (SWS) was established in late March 2002 at a meeting in Baidoa of the RRA's central committee, and Elders from the Digil and Mirifle clans. RRA chairman, Colonel Hasan Mohammad Nur 'Shatigadud', was elected inaugural President for an initial four-year period. The SWS administration laid claim to the Bay, Bakool, Gedo, Middle Juba, Lower Juba and Lower Shabelle regions. However, in practice the administration only has effective control over Bay and Bakool. Compared to other areas of the country, as of May 2002, the administration in Bay and Bakool was reported to be least influenced by Al-Itihaad and free from infiltration by the business community. [7b] (p10-13)
- 15.08 The UN sources consulted in the JFFMR March 2004 stated that Baidoa was still insecure because of the leadership conflict within the RRA, which broke out in the summer of 2002. It had developed into a clan dispute, which reflected the national peace process, with support for the different sides. There was a ceasefire in Baidoa for the last two to three months of 2003, but there has been no real reconciliation since the Leysan clan has not participated in the negotiations. [7c] (p24)

PUNTLAND

- 15.09 As recorded in the USSD report for 2005:

"In 1998 Puntland declared itself a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as president. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down. In November 2001 elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision and militarily seized Garowe, which forced Jama to flee to Bosasso. In 2002 Yusuf occupied Bosasso and declared himself president of Puntland. During 2003 General Adde Musse, a former army general, organized Jama Ali Jama's militiamen, drawn primarily from the Majerten Osman Mohamoud subclan, and established a base in Somaliland. General Musse's forces attacked Puntland twice from their base in Somaliland without success. Puntland traditional elders then intervened and brokered a peace agreement between Musse and Yusuf, which was signed in May 2003. In May 2003 the two joined their forces and began

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sharing power. Mohammed Abdi Hashi, Yusuf's vice president, assumed the presidency of Puntland after Yusuf's election in October 2004 as TFG president." [2a] (Elections and Political Participation)

15.10 The EIU, in its Somalia Country Profile 2006, reported:

"The lack of progress towards a peaceful solution to differences among southern groups prompted north-eastern-based clan factions to declare regional autonomy for Puntland in July 1998, under the presidency of Abdullahi Yusuf Ahmed, following a 70-day conference at Garoe. Colonel Abdullahi stepped down from his post during the conference of reconciliation between Somali factions in Kenya in 2002-03. Representatives of Puntland's 65 districts elected a new president, General Adde Muse Hirsi, for a three-year term in Garoe in January 2005. Puntland claims to comprise the Bari, Nugaal and Mudug regions and the Sanaag and Sool regions, which Somaliland also claims. Somaliland disputes any territorial claims made by the Puntland administration, and armed clashes between forces from Puntland and Somaliland continue to occur occasionally to the present day." [17a] (p10)

SOMALILAND

15.11 The EIU, in its Somalia Country Report of August 2006, noted:

"The international unease over the seizure of Mogadishu by conservative Islamists may help the self-declared Republic of Somaliland in its quest for much needed international recognition, since another functioning ally in the Horn of Africa in the US-led 'war on terror' could be seen in certain quarters as a benefit worth the price of Somaliland's recognition as a sovereign state (neighbouring Djibouti hosts both US and French troops). One step towards this objective – Somaliland's application for full membership of the African Union (AU) made in late 2005 – was unsuccessful, as foreign ministers decided to remove the application from the AU's agenda of the leaders' summit in early July [2006]. Dodging the issue will not make it go away; it also undermines the AU's credibility. Although there has long been a preference in Africa to maintain the borders defined at independence, hence stemming fears of a flood of secessionist claims, Somaliland's government claims a special case: formerly ruled by Britain, Somaliland was independent for a few days after June 26th 1960, until it voluntarily joined the rest of the formerly Italian-ruled Somalia on July 1st. The EU, the UK and the US are thought to be broadly in favour of officially acknowledging Somaliland's de facto sovereignty, but none is likely to be the first to grant recognition. Some governments in east and central Africa may privately support Somaliland's independence bid, but the prospects of any one of them volunteering international recognition continue to be slim.

"Should international recognition come to pass, it would open the doors to significant donor aid, increasing the flow of finances to the government, which is currently reliant for 80% of its revenue on import and export duties, mainly from the port of Berbera." [17b] (p6)

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FREEDOM OF POLITICAL EXPRESSION

- 16.01 As stated in the US State Department's (USSD) Report on Human Rights Practices covering 2005:

"The unimplemented TFC and the Somaliland constitution provide for freedom of assembly; however, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year [2005]. The government of Somaliland banned political demonstrations following the closely contested April 2003 multiparty elections ...

"In May [2005] 100 members of the minority Gaboye community were detained after holding demonstrations in Hargeisa in response to a fatal shooting of one of their clansmen by a police officer. They were held incommunicado for a short period and then freed without charge."
[2a] (Freedom of Assembly)

CHARTER PROVISIONS IN PUNTLAND

- 16.02 As noted by the USSD report: "The Puntland charter provides for freedom of association; however, the Puntland administration banned all political parties ..."
[2a] (Freedom of Association)

CONSTITUTIONAL PROVISIONS IN SOMALILAND

- 16.03 The USSD report 2005 stated:

"The Somaliland constitution provides for freedom of association, and this right was generally respected in practice. Legislation that governs the formation of political parties limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the president and approved by the house of representatives, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in Somaliland elections would be allowed to operate. There were three approved parties operating since the April 2003 elections."
[2a] (Freedom of Association)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

17.01 The USSD report stated:

“During the year [2005] there were a number of apparently politically motivated killings by unknown assailants. In most cases, the victim had made statements in support of the deployment of international peacekeeping forces to the country to facilitate the relocation of the TFG [Transitional Federal Government] from Kenya to Mogadishu, a proposal opposed by various armed groups: some preferred the protection of individual cabinet members’ militias to the imposition of foreign forces, particularly those drawn from neighboring countries; other groups were believed to be allied with domestic Islamist groups opposed to any central government. Observers noted that some of the killings were intended as a warning to the TFA [Transitional Federal Assembly], the TFG, and any outside intervention force. In January [2005] three men shot and killed Abdirahman Diriye Warsame, a veteran of the insurgency against former president Siad Barre. On January 22 [2005], gunmen shot and killed Mogadishu police chief General Yusuf Sarinle. In May [2005] a former military officer, Colonel Mohamed Sa’id Abdulle was killed near his home in Mogadishu. There were at least nine other politically motivated killings of former security officials, activists, or intellectuals during the year [2005]. No suspects had been identified in these cases or in other politically motivated cases from previous years.

“In May [2005] during a rally at the stadium in honor of the TFG prime minister’s visit, an explosive device went off, killing 14 and injuring at least 38 persons. The explosion could have been an accidental discharge of a grenade by a bodyguard, although it remained unclear at the year’s end [2005].” [2a] (Arbitrary or Unlawful Deprivation of Life)

17.02 In Mogadishu demonstrations have been reported, but these appear to have been organised in support of the Islamic Courts’ stated policies. [8c] [33a]

17.03 Amnesty International (AI), in its annual report covering events in 2005, reported:

“In Somaliland in May [2005], dozens of minority rights activists and supporters were briefly detained at a demonstration in Hargeisa at the trial of a police officer, who was given a prison sentence for killing Khadar Aden Osman of the Gaboye minority.” [6a] (Minority rights)

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FREEDOM OF SPEECH AND MEDIA

- 18.01 The US State Department (USSD) Report on Human Rights Practices covering 2005 stated:

“The unimplemented TFC and the Somaliland constitution provide for freedom of speech and the press; however, there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland charter provides for freedom of the press ‘as long as they respect the law’; however, this right was not respected in practice.

“A law requires all media to register with the minister of information and imposes penalties for false reporting; however, the law had not been enforced by year’s end [2005]. Critics alleged that if enforced, the law would provide authorities with censorship powers.

“The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and criticized faction leaders. In its annual survey on press freedom, Freedom House has ranked the country as ‘not free’ every year from 1972-2004.” [2a] (Freedom of Speech and Press)

MEDIA INSTITUTIONS

- 18.02 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006, noted:

“Radio is the principal form of mass communication, drawing on the long standing 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. 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.” [17a] (p15)

- 18.03 The USSD report stated:

“The majority of citizens obtained news from foreign news broadcasts, primarily the BBC, which transmitted a daily Somali language program. The major faction leaders in Mogadishu, as well as the authorities of Somaliland, operated small radio stations. There were reportedly 11 FM radio broadcasts and 1 shortwave station in Mogadishu. A radio station funded by local businesses operated in the south, as did several other smaller FM stations in various towns in central and southern parts of the country. There was at least one FM station in both Puntland and Somaliland.” [2a] (Freedom of Speech and Press)

- 18.04 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. [8h] (p3)

46 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

18.05 As noted by a Freedom House report for Somalia covering 2004:

“Somalia’s charter provides for press freedom. The country has about 20 privately owned newspapers, a dozen radio and television stations, and several Internet Websites. Most of the independent newspapers or newsletters that circulate in Mogadishu are linked to a specific faction. Although journalists face harassment, most receive the protection of the clan supporting their publication. The transitional government launched its first radio station, *Radio Mogadishu*, in 2001. Press freedom is very limited in the country’s two self-declared autonomous regions. In January 2004, two radio journalists were briefly detained by authorities in Puntland for coverage of the escalating border dispute between Puntland and Somaliland. In April [2004], the editor of an independent weekly newspaper, *War-Ogaal*, was arrested and jailed for more than a month without charge for publishing an article accusing a Puntland minister of corruption. In September [2004], the editor of the Somaliland independent daily newspaper *Jamhuuriya* was arrested for the fifteenth time in ten years. *Reporters Sans Frontieres* [sic] described the incident as the latest in a long campaign of legal harassment.” [20a] (p577)

18.06 The BBC Country Profile in September 2006 reported that there were three main newspaper titles in Mogadishu and three in Puntland. [8h] (p3) The Profile also noted that Somaliland had two daily newspapers, and a third weekly newspaper produced in the English language. [8h] (p3)

18.07 The CPJ, in a report entitled ‘Attacks on the Press in 2005’, noted:

“Amid ongoing lawlessness, impunity, and increased political tension, journalists faced threats, censorship, arbitrary detentions, and murder. Two journalists were killed and one narrowly escaped assassination. Attacks came from ‘warlords, regional administrations, independent militias, clan-built Islamic courts, armed business groups, and bands of soldiers,’ according to the National Union of Somali Journalists (NUSOJ).” [12a] (p1)

18.08 The CPJ report added:

“Private radio stations have proliferated in Mogadishu and elsewhere, but many continue to struggle to cover Somali issues across regional and clan divides, and to shake off accusations of clan bias. Attacks on the press increased as the TFG [Transitional Federal Government] split. TFG President Abdullahi Yusuf, a Puntlander, refused to move to Mogadishu for security reasons, and Mogadishu-based TFG leaders remained in the capital.” [12a] (p1)

LEGAL POSITION AND ACTUAL PRACTICE

18.09 During 2005, the USSD noted that there were incidents of harassment, arrest and detention of journalists throughout Somalia:

“During the August [2005] general assembly of the Somali Journalist Network in Mogadishu, delegates pointed out that warlords, regional administrations, independent militias, clan-governed Islamic courts, and armed business groups posed security problems for journalists.

“Harassment of journalists including detention without charge, assaults, and killings increased during the year [2005]. In February [2005] according to BBC news, a BBC international journalist, Kate Peyton, was shot from a passing car in front of her hotel shortly after arriving in Mogadishu. She was reportedly speaking to TFG officials about the security situation and whether it was safe for the government to relocate to Mogadishu. She died later from her wounds. No suspects were identified. In June [2005] a well-known radio commentator and poet was shot and killed in Mogadishu. Also in June [2005] a *HornAfrik* female reporter was shot and killed while attempting to cover the dismantling of a militia checkpoint in Mogadishu. In September [2005] the chairman of the supreme council, Mohamed Barre Haji, and the secretary general, Omar Faruk Osman, of the National Union of Somali Journalists (NUSOJ) received death threats.

“Numerous journalists were arrested. In April [2005] two journalists in Somaliland were dismissed from *Radio Hargeisa* and subsequently detained reportedly for the sake of national security; they were subsequently released. On June 30 [2005], authorities in Puntland arrested two STN journalists in Bossasso and held them for 13 days before they were released without charges. In September [2005] a journalist was detained after he failed to publish the proceedings of a press conference held by Yusuf Ali, the self-appointed governor of the Hiiran region. Supporters of Yusuf Ali reportedly put a pistol to the journalist’s head and ordered him to tell his editor to publish the press conference. The NUSOJ facilitated the journalist’s release. Militia loyal to Mohamed Dheere detained Abdullahi Kulmiye Adow after a controversial report on the TFG. He was released several days later and expelled from Jowhar. In September the editor of *Kaaha Bari* weekly newspaper, which is the oldest newspaper in Puntland, was arrested after reportedly publishing an article critical of an agreement between Puntland authorities and oil refineries.” [2a] (Freedom of Speech and Press)

18.10 The CPJ in its 2005 report stated:

“Kate Peyton of the BBC, one of several foreign reporters who entered the country to cover the peace process in early 2005, was killed in Mogadishu in January [2005], shocking the journalist community. Peyton was shot from a passing car outside the well-guarded Sahafi Hotel, where other foreign journalists were also staying. Local sources said Peyton, a Briton who had lived in Africa for 10 years, may have been targeted to discourage foreigners and to maintain a climate of insecurity.

“In June [2005], radio journalist Duniya Muhyadin Nur was shot dead while covering a protest in Afgoye, 19 miles (30 kilometers) from Mogadishu. She was a reporter for the Mogadishu-based radio station Capital Voice, owned by the *HornAfrik* media company.

“In May [2005], veteran journalist Abdallah Nurdin Ahmad, who also works for *HornAfrik*, was wounded when an unidentified gunman opened fire at close range outside the snack bar Nurdin operated in Mogadishu. The same month, at least two journalists were injured in a huge blast at a Mogadishu stadium, where they were covering a rally by TFG Prime Minister Ali Mohamed Gedi. At least 15 people were killed in the blast and dozens were injured, according to news reports.

“Executives of NUSOJ (formerly the Somali Journalists Network) complained of death threats via anonymous phone calls during the run-up to a NUSOJ General Assembly in Mogadishu in August. They said unidentified, heavily armed militia members were cruising around the organization’s premises.” [12a] (p1-2)

18.11 The CPJ report noted:

“In August [2005], *HornAfrik* reporter Abdullahi Kulmiye Adow was imprisoned in Jowhar, 56 miles (90 kilometers) north of Mogadishu, for five days by a militia loyal to local faction leader Mohamed Dhere. Dhere is a supporter of TFG President Yusuf, who had recently established a temporary headquarters in Jowhar. Yusuf was appointed interim president in 2004 following two years of peace talks.

“Adow was released without charge but was expelled from the town. Speaking through an interpreter, Adow told CPJ that he was transported out of Jowhar under armed guard and told not to return. Adow’s arrest came after he reported that TFG officials had taken over Jowhar school buildings for their operations, displacing some 1,500 students. *HornAfrik* told CPJ that the station considered it too dangerous to send a reporter back to Jowhar to cover the TFG leadership’s activities there. TFG institutions are supposed to oversee disarmament, demobilization, and a reunification of the country under a loose federal arrangement.” [12a] (p2)

18.12 The CPJ report added:

“In Puntland, journalists who dared criticize the regional authorities or the TFG were frequently intimidated, imprisoned, and censored. TFG President Yusuf continued to wield considerable influence in Puntland, according to local sources.

“Puntland authorities harassed the critical weekly newspaper *Shacab* (Voice of the People). In April [2005], *Shacab* editor Abdi Farah Nur and reporter Abdirashid Qoransey were detained, tried, and acquitted on charges of incitement and insulting the president. Those charges were based on a mid-April [2005] article suggesting that citizens with complaints about the Puntland government contact their representatives in Parliament, and on a reader’s letter criticizing authorities, according to Farah.

“In May [2005], authorities issued a decree ordering *Shacab* ‘temporarily suspended’ for publishing unspecified articles that they claimed could lead to unrest. In June [2005], police arrested Farah after *Shacab* tried to resume publication in defiance of the ban. Farah was released without charge after two and a half weeks but then fled the country, fearing for his life.

“Puntland officials exerted pressure on radio stations in the region to avoid coverage of controversial political issues such as whether neighboring states should be allowed to send peacekeeping troops to Somalia, according to NUSOJ and other local sources. They said members of the public had criticized the government’s stance on such issues during radio talk shows. Sources told CPJ that, at a press conference in Bossasso in April [2005], Deputy Information Minister Ibrahim Artan Ismail threatened to ban call-in shows. These sources said that the talk shows were continuing but tended to focus on social rather than political issues.” [12a] (p2-3)

18.13 The USSD report stated:

“In September [2005] authorities in the Puntland city of Bossasso arrested STN radio editor Awale Jama Salad, who had reported on his July [2005] detention at Bossasso prison, according to NUSOJ. Those reports, broadcast on STN and picked up by some local newspapers, alleged that officials at Bossasso prison were taking bribes to free prisoners and that conditions in the jail spread disease. Authorities accused Awale Jama of defamation and publishing false information, although he had not been officially charged, NUSOJ said. Authorities released Awale Jama after four days of detention in the Bossasso prison and the Puntland Intelligence Service headquarters.” [2a] (Freedom of Speech and Press)

18.14 In Somaliland the CPJ report noted:

“In Somaliland, which declared independence from the rest of Somalia in 1991 but has not won international recognition, the government kept the media on a tight leash. Private radio stations were banned. In March [2005], two reporters for government-owned *Radio Hargeisa* were fired after they were accused of working for *Horyaal Radio*, a pro-opposition station based in London. *Horyaal* had begun broadcasting into Somaliland via shortwave and the Internet only days earlier, according to CPJ sources.” [12a] (p3)

18.15 The USSD report stated:

“In September 2003 Somaliland’s information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security; the ban remained in effect at year’s end [2005]. Somaliland Television, which operated under a temporary license, was exempt from the ban. In March [2005] Somaliland police allegedly attempted to shut down a new radio station, *Radio Horyaal*, on the grounds that it was illegal because it was not registered.” [2a] (Freedom of Speech and Press)

18.16 Reporters Without Borders in an article dated 23 June 2006 stated:

“Reporters Without Borders said it was appalled by today’s murder of Swedish freelance photo-reporter Martin Adler, who was shot by a hooded gunman while covering a street demonstration in Mogadishu.

“‘Once again a journalist had been gunned down in cold blood and in broad daylight on a Mogadishu street,’ the press freedom organisation said. ‘Our thoughts go out to Martin Adler’s family and friends, whose grief we share. This was an appalling murder, one that turns journalists into pawns in the hands of rival armed clans that use such crimes in their battle for power.’

“Referring to four other foreign and Somali journalists killed in Mogadishu in the past 12 years, the organisation added: ‘Like the murders of Kate Peyton, Duniya Muhiyadin Nur, Ilaria Alpi and Miran Hrovatin, this killing should be exhaustively investigated, and all those responsible should be identified and punished.’

“Adler, who worked for several media including the Swedish daily *Aftonbladet*, was covering a demonstration by several thousand people

today in support of the peace accord reached yesterday between the Islamic courts and the Somali federal transition government. A group of demonstrators had just set fire to an Ethiopian flag when a shot fired by a hooded man hit Adler in the left side of his chest and entered his heart, killing him instantly.

“Somali journalists told Reporters Without Borders they thought the killing was designed to send a message to the Islamic court militias that recently took control of Mogadishu after ousting the warlords that had carved up the city. Those behind the killing probably wanted to show that, contrary to the claims of the heads of the Islamic courts, security has not been re-established in Mogadishu, they said. It may also have been motivated by anti-western sentiment.” [15a]

18.17 The Islamic Court issued guidelines regarding safety in Mogadishu shortly after this killing. [10h]

18.18 The policies of the Islamic Courts may also have an effect on the freedom of local media to report. The BBC in a report dated 11 September 2006 stated:

“A Somali radio station has resumed broadcasting after it was closed down by Islamist leaders for playing local love songs. However, *Radio Jowhar* is no longer playing any music, even jingles. The Union of Islamic Courts, which controls much of the south, is split between hardliners, who want Taleban-style rule, and moderates.

“Some cinemas in Mogadishu have also been closed for showing foreign films but others are allowed to operate.

“The BBC’s Hassan Barise in the capital, Mogadishu, says *Radio Jowhar* did not get many adverts and so was dependent on the goodwill of the local administration to continue operating.

“The warlord who controlled Jowhar before being chased out by the UIC in June used to provide free electricity and premises.” [8f]

18.19 The report added:

“‘It is useless to air music and love songs for the people,’ said Jowhar Islamic official Sheik Mohamed Mohamoud Abdirahman.

“Some residents were upset by the radio ban. ‘This directive is like the Taliban,’ Ali Musse told the *AP [Associated Press]* news agency. ‘It is censorship against independent media and freedom of expression.’ But others point out that different Islamic Courts have different ideas about what is acceptable. In some parts of Mogadishu, cinemas showing Bollywood films or international football have been closed down but these still operate in other areas of the city.

“Our correspondent says the capital’s radio stations are still broadcasting normally, playing all kinds of music, including western hip-hop and R ‘n’ B.” [8f]

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

LOCAL HUMAN RIGHTS ORGANISATIONS

19.01 The USSD report noted:

“Security problems complicated the work of local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least three deaths. In April [2005] there were two separate attacks on international aid agencies that claimed the life of one Somali national and injured three, including a foreign nun. In July [2005] assailants broke into the home of peace activist and NGO worker Abdulqadir Yahya Ali who they subsequently shot and killed. In recent years UN staff or consultants were kidnapped, often for use as leverage by ethnic Somali former UN workers dismissed by the organization and seeking compensation. Most hostages were released unharmed after mediation by clan elders. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that four lawyers and human rights defenders were detained in Somaliland. They were later released.

“Attacks on NGOs also disrupted flights and food distribution during the year [2005]. On July 27 [2005], gunmen seized the MV [Motor vessel] Semlow with 10 crewmembers from Kenya, Tanzania, and Sri Lanka, plus 850 tons of food aid sent by the WFP [World Food Programme] for 28 thousand tsunami survivors. In July [2005] the WFP suspended all shipments of humanitarian assistance to the country. An International Maritime Organization report listed the country’s coast as one of the most dangerous areas for piracy. In October [2005] the 10 crewmembers were released and most of the food aid was intact, according to press reports. The release reportedly was orchestrated through a deal between the gunmen and a local businessman.” [2a] (Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

INTERNATIONAL HUMAN RIGHTS ORGANISATIONS

19.02 Freedom House in its report covering 2004 noted:

“Several indigenous and foreign nongovernmental organizations operate in Somalia with varying degrees of latitude. A number of international aid organizations, women’s groups, and local human rights groups operate in the country.” [20a] (p578)

19.03 The same report also noted that members of such groups have been targeted:

“Human rights abuses, including extrajudicial killing, rape, torture, beating, and arbitrary detention by Somalia’s various armed factions, remain a problem. Many violations are linked to banditry. Two aid workers with the German Development Agency were killed in Somaliland in 2004 when their car was ambushed. Police arrested five Somalis in connection with the murders. A member of the UN field security team was abducted by a militia group but was released unharmed nine days later.” [20a] (p578)

- 19.04 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:

“On 18 November 2005, a court in Hargeisa, ‘Somaliland’, sentenced eight people to death for the killing of three international relief workers between 2003 and 2004. Four other people were sentenced to life imprisonment for their involvement in the murders.” [3b] (p5-6)

- 19.05 The UNSC report of February 2006 also noted:

“There is serious concern in the region and among humanitarian agencies over the persistence of piracy and its impact on humanitarian shipments into Somalia. The IGAD Council of Ministers, in its communiqué after its meeting in Jawhar on 29 November [2005], decided to coordinate its strategies and action plans to face this common challenge in close collaboration with the international community...” [3b] (p7)

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FREEDOM OF RELIGION

- 20.01 The US State Department's (USSD) Report on Human Rights Practices covering 2005 noted:

"There was no legal provision for the protection of religious freedom, and there were some limits on religious freedom. The unimplemented TFC establishes Islam as the national religion. Some local administrations, including Somaliland and Puntland, have made Islam the official religion in their regions.

"Only *Shafi'iyyah*, a moderate Islamic doctrine followed by most citizens, is allowed in Puntland. Puntland security forces monitored religious activities very closely. In Puntland, religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate; such permission was granted routinely.

"Under the regulations in Somaliland, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited.

"Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, as long as they refrained from proselytizing.

"Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, were actively engaged in the private sector and in political activities throughout the country." [2a] (**Freedom of Religion**)

- 20.02 The US State Department's Report on Religious Freedom released in 2006 stated:

"The activities of the Islamic courts appeared to be largely welcomed by Mogadishu because the courts have brought a degree of order to what was long a lawless city. Some, however, have objected to strict interpretations of Islamic law that forbid the viewing of movies or soccer matches. In one instance, a Shari'a court reportedly ordered that one group of youths have their heads shaved and be whipped for protesting a ban on public broadcasts of World Cup soccer matches.

"There is strong societal pressure to respect Islamic traditions, especially in enclaves still influenced but not controlled by Islamists espousing violent political agendas in Doble, Ras Kaambooni, and Kolbiyow in the Lower Juba region. Organized Islamic groups whose goal is the establishment of an Islamic state include *Al-Islah*, a generally nonviolent political movement that operates primarily in Mogadishu, and AIAI [al-Itihaad al-Islami], a militant Islamic organization. AIAI committed terrorist acts in Somalia and Ethiopia in the mid-1990s and remains on the U.S. government's Terrorist Exclusion List. Although individuals continued to claim to be adherents to its precepts,

AIAI remained heavily factionalized and its membership decentralized. Unlike AIAI, *Al-Islah* is a generally nonviolent and modernizing Islamic movement that emphasizes the reformation and revival of Islam to meet the challenges of the modern world.” [2b] (**Societal Abuses and Discrimination**)

20.03 The same report reflected that:

“Citizens were overwhelmingly Sunni Muslims of a Sufi tradition. There also was a small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The number of adherents to strains of conservative Islam and the number of Islamic schools funded by religiously conservative sources continued to grow.” [2b] (**Religious Demography**)

20.04 The report noted:

“Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, provided that they refrain from proselytizing.

“In April 2004 thousands of citizens marched through the streets in Mogadishu and in the southern coastal town of Merca to protest what they believed was an attempt by aid agencies to spread Christianity. Muslim scholars organized the protest following reports that schoolchildren received gifts with Christian emblems alongside charitable aid. The protesters set ablaze hundreds of cartons containing goods, some marked only as gifts from the ‘Swiss Church.’ The protesters warned the aid agencies against using relief items to evangelize.

“In March 2004 Mohamed Omar Habeb, also known as Mohamed Dheere, who controlled the Middle Shabelle region, countered the general Islamic trend in the country by banning women from wearing veils. He subsequently jailed at least seventeen women who had violated his decree, claiming that veils made it difficult to distinguish women from men who might be concealing weapons. Habeb was quoted as saying that he was committed to curbing violent attacks by extremists, but he later released the women following an outcry from many Islamic scholars throughout the country, particularly in Mogadishu.” [2b] (**Restrictions on Religious Freedom**)

20.05 The report stated: “Christians, as well as other non-Muslims who proclaim their religion, face occasional societal harassment.” [2b] (**Societal Abuses and Discrimination**) Freedom House in its report covering 2004 supported this view, and noted:

“Somalia is an Islamic state, and religious freedom is not guaranteed. The Sunni majority often views non-Sunni Muslims with suspicion. Members of the small Christian community face societal harassment if they proclaim their religion, but a number of international Christian aid groups operate without hindrance.” [20a] (p577)

UNION OF ISLAMIC COURTS (UIC)

20.06 The US State Department’s Report on Religious Freedom released in 2006 stated:

56 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

“The Union of Islamic Courts (UIC), which grew out of individual courts’ efforts to establish a degree of order in Mogadishu, took control of the Somali capital on June 4, 2006, following a military confrontation with a loose coalition of Somali warlords. The UIC is heterogeneous and serves as an umbrella coordination mechanism between individual Shari’a courts, with individual courts reflecting a moderate interpretation of Islam and others espousing an extremist form of Islam that has proven intolerant to traditional Somali societal and cultural practices. The UIC was subsequently renamed the Supreme of Islamic Courts Council (SICC) on June 24 [2006].” [2b] (p1)

20.07 The UN Integrated Regional Information Networks (IRIN) in a report dated 6 July 2006 noted the success of the UIC [Union of Islamic Courts]:

“Key to the military success of the UIC was the fact that it was already an established and accepted presence in local communities, with a demonstrated social welfare policy. Apart from bringing security to areas under its control, through its own militia and justice system, it had also set up farms, schools, water points, health clinics and orphanages. Some key businessmen in Mogadishu worked with the Courts. Although the UIC did not initially have strong popular support – some were suspicious of its agenda – there was a feeling that it upheld moral standards and discipline and had a uniting and familiar ideology in Islam. This ensured the UIC received popular backing during the battle for Mogadishu.” [10i] (How was victory achieved?)

20.08 The article stated:

“The UIC is extending its influence and building on a network of representatives and contacts that it has established in various areas of the country over the past two or three years.

“In some areas, such as Afmadow, Juba Valley, the UIC has been engaged in dialogue with the elders for some time. It had proposed that the UIC take over the administration from the elders and a court system be established. The elders welcomed representatives of the UIC but refused to hand over the administration of the town. One of the key players in the UIC, Hassan Turk – formerly based in Ras Komboni on the coast - passed through Juba valley in March [2006] with technicals and militia, on the way to Mogadishu. He requested the elders to provide him with military and technical support, but received a lukewarm response.

“Similarly, in Mererey, southern Somalia, the UIC has no authority, but has established sufficient influence on which it can build. Last year [2005], the UIC bought agricultural land and a banana plantation in Mererey. By virtue of its legitimate purchase – in contrast to the looting of faction leaders - and by providing employment to local farm workers, the UIC gained local respect and acceptance.

“In the wake of the Mogadishu victory, such contacts in the towns and districts are likely to be utilised to extend influence. The shift of power now means elders are more likely to accept the courts, without any military action necessary.

“In Jowhar, captured by the UIC on 14 June [2006], there has been a marked change. Journalist Muhammad Ibrahim Malimow told IRIN there was ‘a sense of relief’ that the Courts had taken over, as people were no longer under duress to pay the exorbitant taxes that warlord Muhammad Dhere used to impose. Food prices have fallen by between 15 and 20 percent since the takeover. Elders, intellectuals, religious leaders and business people are now directly involved in decision-making, and there is a resurgence of debate and discussion over issues of leadership.

“On the downside, the Courts failed to put in place an effective administration in Jowhar, says Malimow. Crime and insecurity have disappeared in the town since the takeover, but ‘if two people have a dispute, there is no place so far to take it’.” [10i] (Outside Mogadishu)

20.09 The article added:

“The UIC had previously achieved a reputation for discipline and control by virtue of its intolerance of ‘qat’ [*khaf*] and drugs; but no Somali government has succeeded in banning qat, an established economic and social habit. Similarly, the UIC has made clear its intention to ‘clean up’ local video houses, in terms of drugs, alcohol and criminality – but no uniformity of policy is evident on what programmes are the target. However, they indicated that for the time being they have other priorities.” [10i] (Conclusion)

20.10 The Power and Interest News Report (PINR) in an article dated 27 September 2006 stated:

“With enhanced power on the ground, the I.C.C. [Islamic Courts Council] has assumed the stance of affirming the Khartoum peace process, in which it has a decisive advantage over the T.F.G. [Transitional Federal Government], and has even committed to free national elections as part of a power-sharing deal. The I.C.C.’s favorable position in the balance of power is why it has turned its attention so intensely to preventing the deployment of foreign peacekeepers, which would prop up the T.F.G. and take pressure off Ethiopia.

“In late September [2006], the I.C.C. stepped up its military mobilization against foreign intervention by setting up a military academy in Mogadishu where middle and high school students will be trained for resistance operations. The I.C.C. also organized demonstrations against peacekeepers throughout the areas of Somalia that it controls and opened an office for volunteers for its security forces in Mogadishu, promising regular salaries.

“The I.C.C. also continued curbing non-Islamist sectors of Somali society, forbidding the large celebrations of World Peace Day that had been mounted in previous years by civil society organizations and banning political meetings. On September 22 [2006], the I.C.C. extended its application of Shari’a law by holding its first public execution of a man found guilty of killing a businessman while attempting to steal his cell phone.

“The military and repressive side of the I.C.C., which had dominated mid-September, was accompanied in late September by a renewal of advances in social services. On September 29 [2006], Sheikh Muhudin Mohamed Omar, the I.C.C.’s chief health officer, announced a ban on the importation of expired foods – most of which come from the United Arab Emirates – and

said that the Courts would set up a customs service to inspect goods entering Somalia.

“In a revealing article on conditions in Mogadishu published on September 24 [2006] in the *New York Times*, Jeffrey Gettleman reported that the I.C.C. is delivering social services, has appointed university professors to key administrative positions, has allowed some movie theaters to reopen, is not enforcing its ban on business activities during prayer times, is allowing girls to be schooled, has mobilized neighborhoods in clean-up and restoration activities, and has issued ‘tolerance edicts,’ all of which indicate that the moderate and pragmatic elements of the Courts movement are asserting their influence, which is essential if the I.C.C. is to avoid a popular backlash against severe applications of Shari’a law and zealous moral policing. Gettleman quotes local human rights activist Ahmed Mohamed Ali as saying that the I.C.C. has brought clans together.

“That there is still clan resistance to the I.C.C. in Mogadishu is evident from the call by the chair of the Courts’ Shura Council, Sheikh Hassan Dahir Aweys, for clan-based courts outside the I.C.C.’s jurisdiction to disband and join the I.C.C.’s ‘unified structure’ that ‘is not based on lineage’.

“The I.C.C.’s revolutionary momentum depends on defending its gains effectively against external threats, facilitating the normalization of Somali society by providing order and social services, and pursuing its project of rule by Shari’a law incrementally with due regard for public opinion. Although the picture is mixed, developments in late September [2006] indicate that the Courts movement is restoring a balance that had appeared to be in jeopardy.” [35a] (p2-3)

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ETHNIC GROUPS

- 21.01 As reflected in the Report of the Joint British, Danish and Dutch – Fact-Finding Mission (JFFMR) of December 2000, 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). Any political affiliation generally follows clan lines. **[7a] (p6-7)**

SOMALI CLANS

- 21.02 As reflected in the JFFMR December 2000, the clan structure comprises four major ‘noble’ clan-families of Darod, Hawiye, Isaaq and Dir. **[7a] (p6-7)** The US State Department’s (USSD) Report on Human Rights Practices covering 2005 stated:

“More than 85 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. 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)**

- 21.03 As reflected in the JFFMR December 2000, two further clans, the Digil and Mirifle collectively referred to as Rahanweyn, took an intermediate position between the main Somali clans and the minority groups. **[7a] (p56)**

- 21.04 The USSD report stated:

“Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumal, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups living in the country might constitute up to one-third of the population, approximately two million persons. Inter-marriage between these groups and mainstream clans was restricted. Some of these groups had limited access to whatever social services were available, including health and education. Minority groups had no armed militias and continued to be subjected to killings, torture, rapes, kidnappings for ransom, and looting of land and property with impunity by faction militias and clan members. These groups continued to live in conditions of great poverty and to suffer numerous forms of discrimination and exclusion.” **[2a] (National/Racial/Ethnic Minorities)**

- 21.05 The JFFMR March 2004 stated that in general Somalis would be safe within their own sub-clan’s area as long as the sub-clan was not involved in conflict. It was added that civilians were not normally targeted by armed clan conflicts and very often they would know either how to escape or how to avoid being involved in such conflicts. **[7c] (p11)**

- 21.06 As reflected in the JFFMR March 2004, the delegation met with Abdiaziz Omar Daad:

“Omar Daad, formerly minister of reconciliation under President Siad Barre from 1986 to 1990, explained that he is a Marehan himself and the nephew

60 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

of Siad Barre and next to Siad Barre's son the closest relative. Omar Daad left Mogadishu in 1991 and he has returned there several times since. Omar Daad stated that he works as a mediator in central Somalia and he has been accredited to the peace process in Kenya for the Darod clan. Omar Daad explained that it is too difficult for Marehan to live in Mogadishu as they are conceived to be wealthy because many of them used to work for the Siad Barre regime. He stated that all Marehan clan members would be blamed for the suffering caused by the Siad Barre regime and they risk being killed. Omar Daad estimated that approximately 200 persons of the Marehan clan live in Mogadishu today who are able to stay there only because they have intermarried with members of stronger clans. An independent Marehan could not live in Mogadishu safely and run a business. Omar Daad stated that a Marehan who had worked for the Siad Barre regime could not return to Mogadishu. Even family members of a Marehan who had worked for Siad Barre would have problems today. Any other clan member (e.g. a Hawiye or Habr Gedir) who had worked in the administration (including the police) of Siad Barre would not have any problems returning to Mogadishu today.

“According to Abdi Mamow, members of the Darod clan Majerteen will not be able to reside safely in Mogadishu as the Hawiye clans regard them as a challenge to their power in Mogadishu.” [7c] (p41)

RAHANWEYN CLANS

- 21.07 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 by others, 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)

See also Annex C – Somali clan structure.

MINORITY GROUPS

- 21.08 As reflected in the Joint Fact-Finding Mission Report (JFFMR) of December 2000, minority groups within Somalia included the Bajuni, Bantu, Benadir, Bravanese, Eyle, Midgan (Gaboje), 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) [26b] (p1) As reflected in the JFFMR December 2000 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)
- 21.09 As reflected in the JFFMR December 2000: “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 2005 and the JFFMR December 2000 reflect 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] [7a] (p21) As stated in the UN Office for the Coordination of Humanitarian Affairs (OCHA) Minorities Study of August 2002: "In a country where there is no national Government that would be responsible for safeguarding and upholding the rights of minority groups, Somalia minorities are truly in a vulnerable position." [26b] (p1)

- 21.10 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-seekers 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)

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GENERAL SECURITY POSITION FOR MINORITY GROUPS

- 21.11 As reflected in the Office for the Coordination of Humanitarian Affairs (OCHA) report of August 2002:

"Unlike other clans from dominant groups, minorities lack international support in the form of regular remittances. Recurrent insecurity caused by conflict creates an environment where minority groups are vulnerable and abnormally displaced from their homes. Notably, some minority groups who were abnormally displaced lost their lands, which were reallocated. Insecurity further affects the delivery of services to minority groups post-displacement in areas such as Kismayo, Jilib and Luuq. However, in areas like Hargeisa, Beletweyne, Jowhar and Ballad where security is not a big problem, minority groups receive very little assistance from aid agencies. Estimates indicate that about 70% of the minorities who live in IDP [internally displaced persons] camps or returnee settlements have difficulties in accessing adequate food, proper shelter and education." [26b] (p1)

62 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

“With the exception of the Bantu, Rerhamar, Bravanese, Bajuni and Eyle who have distinct ‘non-Somali’ physical appearance, all other minorities have physical appearances similar to that of the dominant clans, as well as having ethnic and cultural similarities. What distinguish the assimilated minorities are their distinct economic livelihoods.” [26b] (p3)

- 21.12 As noted in the JFFMR March 2004, the delegation asked a number of UN and NGO sources whether the security and human rights situation of the minority groups and minor clans in southern and central Somalia had undergone any significant change since the situation described in the JFFMR of December 2000:

“The response from all sources consulted was that no change for the better had taken place, either with regard to their security or human rights situation.” [7c] (p36)

BAJUNI

- 21.13 As noted in the JFFMR December 2000, 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. Their principal language 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. 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)
- 21.14 As reflected in the JFFMR December 2000, and the OCHA minority groups report of August 2002, 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. [7a] (p28-30) [26b] (p5-6)
- 21.15 As noted in the OCHA Minorities Study of August 2002, 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. [26b] (p4)
- 21.16 As reflected in the JFFMR March 2004, 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)
The JFFMR March 2004 also noted:

“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)

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

BANTU

- 21.17 As reflected in the US State Department’s (USSD) Report on Human Rights Practices covering 2005 and the JFFMR July 2002, 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 Gosha). [2a] (National/Racial/Ethnic Minorities) [7b] (p59) 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)
- 21.18 As reflected in the JFFMR December 2000, 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) As noted in a UN Integrated Regional Information Networks (IRIN) article of 25 June 2003, 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]
- 21.19 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 report 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) [26b] (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)

64 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

- 21.20 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) 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)

BENADIRI AND BRAVANESE

- 21.21 As reflected in the JFFMR December 2000, 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)
- 21.22 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) As reflected in the JFFMR March 2004, it was estimated that 90% 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)

HAMAR HINDI

21.23 As noted in the JFFMR July 2002:

“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)

MIDGAN, TUMAL, YIBIR AND GALGALA

21.24 The JFFMRs of December 2000 and July 2002, noted the Gaboye/Midgan (usually referred to as the Midgan but also known as the Madhiban), Tumul 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)

21.25 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)

- 21.26 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. [26b] (p4) The JFFMR July 2002 noted that the position of the Midgan/Gaboye improved at times of stability and recovery. [7b] (p57-58)

See also Annex D: Main minority groups.

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

22.01 A report by the International Lesbian and Gay Association (ILGA) in 1999, and the African organisation “Behind the Mask” in 2004, noted that sexual intercourse with a person of the same sex is punishable under Article 409 of the Somali Penal Code by imprisonment from three months to three years. An “act of lust” other than sexual intercourse is punishable by imprisonment from two months to two years. Under Article 410 of the Somali Penal Code, a security measure, which normally means police surveillance to prevent re-offending, may be attached to a sentence for homosexual acts. It was not clear whether the laws on homosexual acts applied to lesbian sexual acts. The ILGA and “Behind the Mask”, both drew the conclusion that the law probably does not apply to lesbian acts. The basis for this view was that the Somali Penal Code was based on the Indian Penal Code that applied in the former British Somaliland protectorate. Therefore, Articles 409 and 410 of the Somali Penal Code would not apply to lesbian acts, as the Indian laws that they were based upon does not. [28a] [29a]

22.02 In May 2004, “Behind the Mask” reported on the activities of “Queer Somalia” (a community group based in Ethiopia), which indicated that the problems for homosexuals in Somalia relate to the lack of central government, loosely applied Islamic law and pressures from families. [29b] “Behind the Mask” reported a story from *Huriyahmag*, dated 22 October 2004, which stated:

“A queer rights group called *Qaniisiinta Soomaaliyeed* (Queer Somalis) held talks with a newly-elected president of Somalia. The group’s Executive Director, Hadiyo ‘Boston’ Jimcale, said the new president promised to her that under his government all Somalis would be safe, over a telephone conversation she had with the president on Wednesday [20 October 2004]. She stated that the country’s new laws (put in the books in 2000 by a worldwide recognized temporary national government in Mogadishu) call for all Somalis to be treated equal under the law, regardless of their sexualities or religious beliefs.” [29c]

22.03 However, the article also noted:

“But 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]

22.04 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]

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DISABILITY

23.01 As reflected in the US State Department's (USSD) Report on Human Rights Practices covering 2005:

“In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that 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, and it was common to chain such persons to a tree or within their homes for up to seven years.” [2a] (Persons With Disabilities)

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WOMEN

- 24.01 The US State Department's (USSD) Report on Human Rights Practices covering 2005 noted:

"Domestic violence against women was a serious problem. There are no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes ... Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. UNHCR [UN High Commissioner for Refugees] reported that in refugee camps husbands frustrated by losing their traditional role as provider sometimes abused their wives.

"Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year [2005]. NGOs documented patterns of rape of women with impunity, particularly those who have been displaced from their homes due to civil wars or were members of the minority clans. Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tend to ignore the victim's situation and instead communalize the abuse by negotiating with members of the perpetrator's clan. Victims sustained subsequent discrimination based on attributions of 'impurity.' There were reports of rapes of Somali women and girls in refugee camps in Kenya during the year [2005] ... Women and girls in displaced persons camps were also especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS." [2a] (Women)

- 24.02 Amnesty International (AI) in its annual report covering events in 2005, stated:

"Several women's rights organizations were active in reconciliation, militia disarmament, child rights protection and development initiatives. Women's organizations, including in Somaliland, also campaigned against violence against women, including female genital mutilation, rape – especially of internally displaced women – and domestic violence. There was deep concern that women's representation in Somalia's Transitional Federal Parliament fell short of an agreed quota of 12 per cent of seats." [6a] (Women's rights)

LEGAL RIGHTS

- 24.03 The USSD report noted:

"Women do not have the same rights as men and were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly, according to the Shari'a and local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as for

a male victim. As a predominantly Muslim society, many women wore traditional religious dress.” [2a] (Women)

POLITICAL RIGHTS

- 24.04 The US State Department (USSD) Report on Human Rights Practices covering 2005, dated 8 March 2006 noted:

“There were 22 women in the 275-seat TFA [Transitional Federal Assembly], and 1 female minister and 4 female deputy ministers in the TFG [Transitional Federal Government]. However, the number of women in parliament did not fulfill the legal requirement that at least 12 percent of the 275-member parliament be reserved for women. A woman, Fowiza Mohamed Sheikh was appointed cabinet minister for Gender and Family Affairs in the TFG. A woman held the post of Foreign Minister in the Somaliland cabinet, and two women were elected to the lower house of parliament; in addition, several women were important behind-the-scenes figures in the various factions. There were 5 women in the 69-seat Puntland council of elders.” [2a] (Elections and Political Participation)

- 24.05 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)

- 24.06 The USSD report stated that:

“Several women’s groups in Mogadishu, Hargeisa (Somaliland), Bossasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. The UNIE noted an improvement in recent years in the profile and political participation of women in the country.” [2a] (Women)

- 24.07 Freedom House, in its report on Somalia covering 2004, noted:

“Women’s groups were instrumental in galvanizing support for Somalia’s peace process. However, delegates forming the new parliament flouted a provision requiring that 33 of the 275 seats be reserved for women, appointing only 23. Women legislators are now seeking a constitutional amendment to increase that number by 14. The country’s new charter prohibits sexual discrimination, but women experience intense discrimination under customary practices and variants of Sharia. Infibulation, the most severe form of female genital mutilation, is routine, and women’s groups launched a national campaign to discourage the practice in March [2004]. UN agencies and nongovernmental organizations are working to raise awareness about the health dangers of this practice.” [20a] (p578)

- 24.08 The United Nations Commission on Human Rights, in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, noted:

“In ‘Puntland’, the Government had agreed to a request by women’s groups to establish a Ministry for Women’s Affairs. During a meeting with representatives of the Ministry for Women’s Affairs in Bossaso on 4 February [2005], they noted that they were extremely lacking in material resources and that this prevented them from assisting Somali women who

72 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

have suffered immeasurably as a result of the long conflict. The independent expert encouraged them in their work and urged them to seek resources in creative ways.

“The Somali Reunification Women’s Union, an NGO which had been working with UNDP [UN Development Programme] and UNHCR since 1992 on IDP and returnee issues, noted that, since 2004, three new IDP camps had been added bringing the total to 16. They explained that the last three camps were set up to house people fleeing the effects of the droughts. A 2002 estimate was that 4,320 families or about 20,000 people resided in these makeshift camps. A one-month assessment of the current situation funded by UNDP was planned to commence shortly.” [4a] (p19)

VIOLENCE AGAINST WOMEN

24.09 The JFFMR July 2002 noted that there were no laws that specifically address domestic violence. This was treated through traditional means rather than as a legal issue, although both customary law and Shari’a law addressed the resolution of family disputes. [7b] (p59)

24.10 As noted in the JFFMR March 2004, the number of reported violations against women in the capital increased considerably in 2003. A UNHCR source stated that there were serious human rights violations in Mogadishu towards women. These violations included savage killings and mutilation. It was stressed that these incidents were unusual given that women and children are not overtly targeted in clan conflict. When commenting on the killings of women in Mogadishu (and in Baidoa) in the second half of 2003, a further source suggested that such incidents might have happened before but that they had not been reported. An international NGO suggested that women and children had become a new target of human rights violations in Mogadishu. The source added that there was a tendency that women in general had become much more cautious about their movements. Many women did not dare to go to the market or other public places, especially those belonging to minority groups or minor clans. [7c] (p20-21)

24.11 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:

“Women’s groups, together with other civil society and business groups have continued to play a prominent role in initiating and supporting pre-disarmament encampments in Mogadishu. Although the camps are still operating, some militiamen appear to have left because of the worsening security situation and lack of funds to meet their needs. Thus far, women’s groups, together with some members of the local business community, have been financing the camps. UNDP has earmarked \$172,000 to help them to support demobilization of the militiamen. Half of this amount was paid to the women’s groups during the reporting period [October 2005 to February 2006].

“UNDP has also developed a nationwide strategy with the goal of enhancing the ability of Somali women leaders to participate meaningfully in the political sphere through effective advocacy for the protection of their human rights and economic security. Based on these overall goals, the strategy focuses on the training of women leaders to enhance their leadership skills and the use of advocacy and communication tools to address issues such

as: female genital mutilation; land and property rights; domestic violence; and building the capacity of legislators (both women and men) and civil society to advocate gender-responsive policies, legislative reform and gender mainstreaming within the political sphere at the district, regional and national level.

“Other ongoing UNDP activities include support for the Somalia Women Journalists Association to train women journalists to investigate, advocate and disseminate information through the media against abuses of women’s rights. Another project involves management training for 105 female staff of the ‘Somaliland’ Civil Service Commission. Under the UNDP Rule of Law and Security Programme, 54 women were recruited for the Mandera Police Academy in ‘Somaliland’. Their training commenced in November [2005]. In addition, 20 women were among a total of 180 recruits selected for training at the Armo Policy Academy in ‘Puntland’ ... The United Nations Children’s Fund (UNICEF), in partnership with Oxfam-Netherlands (Novib), is working with the Coalition of Grassroots Women Organization, based in Mogadishu, the Nagaad Women’s Coalition and the Coalition of ‘Somaliland’ non-governmental organizations, on human rights monitoring and on child protection.

“In the last quarter of 2005, the United Nations Development Fund for Women (UNIFEM) collaborated with local partners to implement a gender equality programme. These activities have supported public awareness on issues related to HIV/AIDS and human rights and training for internally displaced women to combat HIV/AIDS and gender-based violence. A newly established legal aid clinic in Hargeisa has, to date, represented six women in land disputes.” [3b] (p12-13)

FEMALE GENITAL MUTILATION (FGM)

24.12 The USSD report noted:

“The practice of FGM is widespread throughout the country. There were estimates that approximately 98 percent of women have undergone FGM. The majority of women were subjected to infibulation, the most severe form of FGM. In Somaliland FGM was illegal; however, the law was not enforced. In Puntland legislation prohibited FGM in northeastern areas of the country; however, in practice the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.” [2a] (Women)

24.13 As reflected in the JFFMR March 2004:

“Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People’s Aid (NPA), Horn of Africa Programme 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 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.

“According to Jones, FGM is still the norm in Somalia. The main mode of the FGM is the ‘pharaonic’ form, 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.

Circumcision usually takes place when a girl is between four and seven years of age. 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)

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CHILDREN

- 25.01 As noted in the US State Department (USSD) Report on Human Rights Practices covering 2005:

“This year’s annual report [2005] of the Secretary-General on children and armed conflict documented grave violations against children in Somalia. The report focused violations that are being systematically committed against children in Somalia: killing or maiming of children; the recruitment or use of child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children; and denial of humanitarian access for children.” [2a] (Children)

- 25.02 The USSD report and the UN’s human rights expert report of March 2005 noted that the long-standing Somali practice whereby parents send their disobedient children to be kept in prison until they order their release was reported to be widespread. [2a] (Prison and Detention Center Conditions) [4a] (p10)

- 25.03 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)

- 25.04 The United Nations Commission on Human Rights, in its report by its independent expert Ghanim Alnajjar dated 11 March 2005, noted:

“During his mission, the independent expert once again took up the issue of the custom and practice of asiwalid, where some parents place their children in prison for disciplinary purposes and without any legal procedure. During discussions, authorities in both ‘Somaliland’ and ‘Puntland’ stated that they were aware of this custom, and committed themselves to working towards its eradication. The custom is also practiced elsewhere in Somalia.

“Somalia has the sixth-highest infant mortality rate in the world and enrolment for school-age children is just 22 per cent, according to UNICEF [UN Children’s Fund] representatives. They also raised the issues of female genital mutilation and general violence against children, noting that these violations were often gender-based. UNICEF representatives on various occasions during the mission also reported the human rights concerns of Somali children in prisons (often housed with adults), street children, children of minority groups and clans, children as primary caregivers, child labour, and children with physical and mental disabilities.

“In these discussions and on the matter of child protection and the human rights of children, the independent expert noted the importance of calling on the Transitional Federal Parliament to sign and ratify the Convention on the Rights of the Child.” [4a] (p12)

- 25.05 IRIN, in an article dated 15 December 2005, reported:

76 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

“UNICEF said the lack of a functioning national administration since 1991 had further constrained human development in Somalia, which according to the 2004 under-five mortality rate, has the sixth worst under-five mortality rate in the world.

“Some 26 percent of Somali children are moderately or severely underweight, while 133 out of every 1,000 children will die in infancy, UNICEF said.

“An estimated 5.6 million Somali children continue to live without or with limited access to basic services and are highly vulnerable to preventable disease,’ UNICEF noted in its humanitarian action plan for Somalia in 2006.

“The agency said despite continued conflict, efforts by local and international partners ensured that Somali children benefited from greater access to healthcare, education, clean water and an enhanced protective environment.

“Increasing national stability presents us with an opportunity to include all children in the formulation of the country’s development agenda,” said Christian Balslev-Olesen, UNICEF country representative for Somalia.

“Putting children at the centre of that agenda aims to ensure that we plan for the education, health and protection of every Somali child: including the poorest, most vulnerable pastoralist child in the remotest rural village,’ he added.” [10g] (p1)

EDUCATION

25.06 As recorded in Europa Regional Surveys of the World, online version:

“All private schools were nationalized in 1972, and education is now provided free of charge. Primary education, lasting for eight years, is officially compulsory for children aged six to 14 years. However, in 2002 enrolment at primary schools was equivalent to only 16.9% of the school-age population (boys 20.8%; girls 12.7%). Secondary education, beginning at the age of 14, lasts for four years, but is not compulsory. In 1985 the enrolment at secondary schools included 3% of children (boys 4%; girls 2%) in the relevant age-group. Current expenditure on education in the Government’s 1988 budget was 478.1m. Somali shillings (equivalent to 1.9% of total current spending). 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)

25.07 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:

“During the period under review, the 2004/2005 primary education survey was completed and distributed to educational institutions. The survey

indicated a rise of about 2 per cent in the gross enrolment ratio, from 19.9 per cent in 2004 to 21.9 per cent in 2005, with the girls' ratio recording a modest improvement, from 14.3 to 15.9 per cent. Related to this, new user friendly education management information system tools were introduced to over 9,000 teachers and education managers through a cascade model across all three zones of Somalia. The tools are expected to enhance local capacities in educational data management.

“Progress continued to be registered in the ongoing enrolment and advocacy drive across all three zones of the country, with a special focus on girls and children in settlements for internally displaced persons. A total of 114,359 new children were enrolled during 2005. This enrolment drive involved partnerships with educational authorities, communities and schoolchildren themselves. In order to increase access, about 34 schools of four-classroom blocks each were rehabilitated and 430 tents were procured to serve as temporary learning spaces.

“The United Nations Educational, Scientific and Cultural Organization (UNESCO) through its Programme of Education for Emergencies and Reconstruction, continued to support the peace process in Somalia through primary, secondary, vocational and civic education projects. Key results registered under this programme thus far include: the provision of in-service induction training to about 3,000 teachers in 11 Somali centres to support the use of textbooks distributed by UNESCO; the distribution of teacher guides to support curricula to 160 primary schools in ‘Somaliland’; and the provision of about 100 university scholarships to Somali students to pursue further studies in east Africa and in ‘Somaliland’ and ‘Puntland’.” [3b] (p14-15)

- 25.08 The US State Department Report (USSD) on Human Rights covering 2005 reported:

“The lack of resources limited the opportunity for children to attend school. Approximately 22 percent of the school-aged population attended school, according to UNICEF [UN Children’s Fund] officials. Disproportionately more boys than girls were enrolled in school. Overall enrollment rates have been on the rise in recent years with considerable regional variability. Since collapsing in 1991 education services have been revived in various forms: a traditional system of Koranic schools; a public primary and secondary school system financed by communities, foreign donors and the administrations in Somaliland and Puntland; a system of Islamic charity-run schools; and a system of privately-run primary schools, secondary schools, universities, and numerous vocational training institutes. There were three secondary schools in Somaliland and several secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. In south-central regions of the country, over 100 thousand children were enrolled in educational establishments funded by Islamic charities” [2a] (Children)

78 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

25.09 IRIN, in an article dated 15 December 2005, reported:

“Only one out of every five children in Somalia is enrolled in primary school, the UN Children’s Fund (UNICEF) said in its State of the World’s Children report for 2006.” [10g] (p1)

25.10 The report added:

“The net primary attendance ratio is lower than anywhere in the world, at just 12 percent for boys and 10 percent for girls,’ the report said. ‘Years of underinvestment have left Somalia lagging behind the rest of the developing world in education’.” [10g] (p1)

25.11 As noted in the US State Department’s International Religious Freedom Report released in 2006:

“There are a significant number of externally funded Qur’anic schools throughout the country. These schools provide inexpensive basic education but may require young girls to wear veils and participate in other conservative Islamic practices not generally found in the local culture. Mogadishu University, the University of East Africa in Bosaso, Puntland, and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with the conservative Islamic organization Al-Islah.” [2b] (Societal Attitudes)

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CHILD CARE

25.12 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]

25.13 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”. In the self-declared independent “Republic of Somaliland” the Hargeisa Orphanage Centre had been run by the local administration since 1991. Since 2001 the centre had come under the auspices of the Ministry of Education which provided for the running costs; the Ministry of Justice and the prison service had formerly operated it. As of June 2001, the centre had a total of 355 children, approximately 60 full and part-time staff, and received some support from the UN World Food Programme and the international NGO Hope World Wide. [10a]

- 25.14 In February 2004 IRIN reported that the Islamic aid agency-sponsored orphanages formally closed down, leaving around 3,000 orphans homeless. [10c]

CHILD SOLDIERS

- 25.15 The USSD report stated:

“Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths were members of the marauding gangs known as ‘*morian*’ (parasites or maggots).” [2a] (Children)

- 25.16 On 30 January 2003 the UN Security Council adopted a new resolution on children and armed conflict. This provided for the Security Council or the Secretary General to enter into dialogue with parties to armed conflict that are recruiting or using child soldiers, to develop “clear and time-bound action plans” to end the practice. [14a]

- 25.17 The United Nations Secretary General, in his situation report on Somalia to the Security Council dated October 2005 (UNSCR), noted:

“The United Nations also collaborated on a project aimed at the rehabilitation and reintegration of former child soldiers in Kismaayo, Merca and Mogadishu, which has benefited 420 children. The United Nations is supporting a community-based psychosocial care and support strategy for vulnerable children and their families and is helping to establish a cadre of paraprofessional psychosocial workers.” [3a] (p13)

HEALTH ISSUES

- 25.18 UNICEF in an article 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.

“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.” [32a] (p1)

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TRAFFICKING

- 26.01 As stated in the US State Department's (USSD) Report on Human Rights Practices covering 2005:

"The pre-1991 law prohibits trafficking; however, there were reports of trafficking during the year [2005]. The unimplemented TFC does not specifically prohibit trafficking. Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE [UN Independent Expert on Human Rights in Somalia] reported that trafficking in persons remained rampant in Somalia and that the lack of an authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under the most widespread interpretations of Shari'a and customary law, but there was no unified policing in the territory to interdict these practices, nor any authoritative legal system within which traffickers could be prosecuted.

"Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the trafficking of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

"The country was a source and destination for trafficked women and children. Armed militias reportedly trafficked Somali women and children for sexual exploitation and forced labor. Some victims were trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks also were reported to be involved in transporting child victims to South Africa for sexual exploitation." [2a] (Trafficking in Persons)

- 26.02 The USSD Trafficking in Persons Report (TPR) of June 2006 stated:

"Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is known to be a source, transit, and possibly destination country for trafficked women and children. Ethiopian women may be trafficked to and through Somalia to the Middle East for forced labor or sexual exploitation. Armed militias reportedly traffic Somali women and children for sexual exploitation and forced labor. Some victims may be trafficked to the Middle East and Europe for forced labor or sexual exploitation. Trafficking networks are also reported to be involved in transporting child victims to South Africa for sexual exploitation." [2c] (Somalia)

- 26.03 In early 2003 the UN Office for the Coordination of Humanitarian Affairs produced "A Gap in their Hearts", a report focusing on the experience of Somali Children separated from their families. The report referred to parents paying up to US\$10,000 to smugglers to take their children out of Somalia and reports that unaccompanied children were given new names and imaginary histories; the children were coached in these, and threatened, to maintain their new identities. [26a] (p7)

- 26.04 As noted in the TPR 2006:

"Individuals presenting themselves as political authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevent the development of effective

policies. Many of these individuals are known to condone human trafficking. In the absence of effective systems of revenue generation, as well as any legal means to collect resources and then distribute them for some common good, no resources are devoted to preventing trafficking or to victim protection across the majority of the Somali territory. Various forms of trafficking are prohibited under the most widespread interpretations of Shari'a and customary law, but there is neither unified policing in the territory to detect these practices, nor any authoritative legal system within which traffickers could be prosecuted. Self-styled government officials are not trained to identify or assist trafficking victims. NGOs work with internally displaced persons, some of whom may be trafficking victims." [2c] (Somalia)

26.05 The USSD report stated:

"Authorities within Somaliland and Puntland have expressed a commitment to address trafficking, but corruption and a lack of resources prevented the development of effective policies. Many of these individuals were known to condone human trafficking. In the absence of effective systems of revenue generation, no resources were devoted to preventing trafficking or to victim protection across the majority of the country. Government officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom were possibly trafficking victims." [2a](Trafficking in Persons)

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

27.01 As stated in the Report of the Joint British-Nordic Fact-Finding Mission of January 2004 (JFFMR March 2004), *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)

27.02 The UN Development Programme's (UNDP) Human Development Report for Somalia 2005 reflected that access to health care is poor. The report added that the infant mortality rate was 133 per 1,000 live births. [13a] (Sections 6-10)

27.03 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)

27.04 MSF in its report of January 2006, entitled ‘Top ten under-reported humanitarian stories of 2005’, gave the following overview:

“Since 1991, Somalia has been a state without a functioning central government. Fourteen years of conflict has precipitated the collapse of public health structures and a total absence of health care services.

“In most parts of the country, clinics and hospitals have been looted or seriously damaged by armed groups, while the UN estimates that there are only four doctors and 28 nurses or midwives for every 100,000 people.

Sometimes, people travel 500 miles just to reach one of the few existing health centers. The result of this situation has been catastrophic, with malnutrition, extreme poverty, and drought just some of the many scourges faced by Somalis.

“Last year’s lack of rain -- one of the worst droughts to hit the country in twelve years -- may expose nearly two million people in the south to acute food shortages in the next six months.

“Few aid agencies, though, choose to work in Somalia because violence is so widespread and the country’s clan structure so complex, yet with no state medical services, there is a desperate need for assistance. MSF has been working in the country since 1986, and provides emergency assistance in the worst-affected areas in south and central Somalia.

“In addition to primary health-care services, MSF teams perform surgery, treat tuberculosis (TB) and kala azar, and provide pediatric care and therapeutic feeding for severely malnourished children. But the assistance falls far short of what is needed, and thousands of Somalis continue to die in the shadows of this forgotten disaster.” [11a] (p8)

HIV/AIDS

27.05 The JFFMR March 2004 stated that there were no formal statistics regarding the number of people infected with HIV/AIDS in Somalia. However, a formal study was in the process of being drafted, and was due to be presented within three to six months. It was estimated that the figure would be around one-three per cent. If the figure reached five per cent or more it would be characterised as an epidemic. It was emphasised that there was no access to treatment for HIV/AIDS inside Somalia. In a new development in the past two years, a person might be suspected of having HIV/AIDS simply by contacting a health clinic. [7c] (p35)

27.06 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 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)

27.07 IRIN, in an article dated 2 December 2005, reported:

“Somalia has an opportunity to become one of the few countries in sub-Saharan Africa to avert an HIV/AIDS epidemic of major proportions, UN agencies said.

“The latest prevalence survey for Somalia indicated an HIV prevalence rate among women attending antenatal clinics of around 0.9 percent, which was relatively low compared with other countries in the region, the Joint UN Programme on HIV/AIDS (UNAIDS), the UN Children’s Fund and the UN

Development Programme (UNDP) said in a joint statement issued to mark World AIDS Day.

“Citing the theme for World AIDS Day 2005 -- Stop AIDS. Keep the Promise -- the UN agencies urged Somalia and its partners to combat HIV/AIDS at personal, religious, community, organisational and governmental levels.”
[10f] (p1)

- 27.08 The United Nations Country Team for Somalia, in a press release of 1 December 2005, stated:

“Citing the theme for World AIDS Day 2005 – Stop AIDS. Keep the Promise - the UN said Somalis and their partners must rise to the challenge of countering HIV/AIDS at personal, religious, community, organizational and governmental levels.

“Women, media, youth, men, religious leaders, business people, political leaders and professionals all have a unique strength that they bring to the fight against AIDS. Together with the local authorities, UN agencies, local and international NGOs and community based organizations, and especially religious leaders, a critical opportunity exists to generate a society-wide response to HIV/AIDS,’ Elballa Hagona, UNDP Somalia Country Director and chair of the UN theme group on HIV/AIDS said. ‘Such unity is crucial to ensure a continuum of prevention, treatment, care and support with the common goal of keeping infection low.’

“Confronting AIDS is a crucial task for the Transitional Federal Government and it should rise to the challenge and mobilize society so that youth, women and girls who are most vulnerable are equipped to protect themselves from HIV/ AIDS -- a disease which knows no disagreement, clan, faction or political allegiance.

“The UN country team and partners have mobilized resources through the Global Fund to fight AIDS, TB and Malaria, the UK Department for International Development (DFID) and other sources which are now being used in a multi-faceted approach to combat HIV/AIDS. Among the significant achievements of this effort has been the launch of HIV/AIDS commissions in Northwest Somalia (‘Somaliland’) and Northeast Somalia (‘Puntland’). Plans are underway to create a coordinating structure for Central/South Somalia. The commissions aim to increase and improve coordination for the prevention, treatment, care and support of those infected and affected with by HIV/AIDS.” [22a] (p1)

- 27.09 The United Nations Secretary General, in his situation report on Somalia to the Security Council (UNSC) dated February 2006, noted the following:

“Somalia has made significant strides towards the establishment of a unified framework to enhance the effectiveness of HIV/AIDS response with the establishment of national AIDS commissions in ‘Somaliland’ and ‘Puntland’ in 2005. These initiatives are expected to be replicated in central/south Somalia during the course of 2006.

“As part of ongoing efforts to build capacity and forge partnerships to respond more effectively to HIV/AIDS prevention and treatment, UNICEF [UN Children’s Fund] facilitated the training of 55 young women and men as

youth peer educators. They, in turn, trained an additional 2,000 young people. The training has facilitated youth-to-youth education on topics such as sex education, female genital mutilation and the prevention of HIV/AIDS.

“UNICEF facilitated the training of 58 religious, traditional and secular leaders from all three zones to enable them to take the lead in challenging beliefs and behaviours through enhanced advocacy and more effective community mobilization. In November 2005, UNDP supported representatives of Sheikhs from each of Somalia’s three zones to attend a training [sic] focused on the role of religious leaders in HIV/AIDS response in Yemen and Egypt. The Sheikhs have formed a network with fellow religious leaders to promote faith-based HIV/AIDS sensitization during weekly prayer gatherings in mosques.” [3b] (p14)

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HOSPITALS

- 27.10 The International Committee of the Red Cross (ICRC) report on Somalia covering 2005 stated:

“With the collapse of the State health service, the few remaining hospitals in Somalia struggled to cope with the constant flow of war-wounded and other trauma patients. Most international aid was directed towards primary health care, leaving the ICRC as one of only a handful of organizations supporting medical and surgical treatment.

“The ICRC continued to support Keysaney Hospital in Mogadishu North, run by the Somali Red Crescent, and the community run Medina Hospital in Mogadishu South. These were the main referral hospitals for war-wounded patients throughout central and southern Somalia. The ICRC provided the hospitals with staff salaries, medical supplies, equipment, training and on-the-job supervision. The hospitals covered about 15% of their running costs through community support, which was gradually increasing, and a cost-sharing scheme was introduced by the ICRC. In 2005, the ICRC initiated a physiotherapy training programme, and in December [2005] a physiotherapy unit serving both hospitals opened in Medina Hospital, which improved the management of trauma cases. The organization also trained and supervised staff on building and generator maintenance, according to standard.” [5a] (Supporting Hospitals)

- 27.11 The report added:

“In the absence of a public health service, primary health care was provided by the private sector, the Somali Red Crescent, international organizations and NGOs, with varying levels of community support. The ICRC supported a total of 19 Somali Red Crescent health-care posts that offered free first aid and curative care to a combined population of around 200,000 residents and IDPs. The posts were located in conflict-affected areas not covered by the private sector or other organizations. The ICRC provided the posts with supplies, including dressing materials to be used mainly to treat the war-wounded, assisted in staff training and on-the-job supervision and contributed to the running costs, including salaries, of the majority of the posts. UNICEF supported the mother-and child-care activities in the posts.

The two ICRC-supported health posts that closed during 2004 because of security constraints could not be reopened during 2005 for the same reason.” [5a] (Providing Health Care)

PROVISION OF HOSPITAL CARE BY REGION AS REFLECTED IN JFFMR

27.12 The JFFMR for Somalia of March 2004 gave the following breakdown by region for medical provision:

“**Southern Mudug and Galgadud.** It was emphasised that the vastness of the region greatly limited the scope for the provision of medical facilities. Bazid referred to two areas: Galkayo (where there is a functioning hospital supported by the International Committee of the Red Cross (ICRC) and the coastal districts around Hobyo where Coordinating Committee of the Organisation for Voluntary Service (COSV) until recently supported the provision of basic medical care. It was noted that this region is particularly susceptible to cholera epidemics. There are no hospitals in Galgadud where other sources of basic healthcare are even more limited due to the prevalence of major clan conflict. Clan conflict severely hampers the freedom of movement in the conflict area and under such circumstances the availability of treatment is closely related to clan affiliation.

“**Hiran.** The hospital in Belet Weyne has been closed for a considerable length of time. There are very few private clinics. Save the Children Fund (SCF) and International Medical Corps (IMC) have established small dispensary posts in the region.

“**Middle Shabelle.** It was indicated that this was the most stable of regions in terms of the provision of medical facilities. Basic treatments are available at the large hospital in Jowhar, where surgeons operate. A number of INGOs administer dispensary posts in the region.

“**Benadir (Mogadishu).** It was stated that most medical facilities in the capital are expensive, private clinics that provide a variable standard of treatment. It was noted that the Islamic community usually establishes these clinics, with Al Islah being the dominating donor. There are two hospitals in Mogadishu; Medina and Keysane. The majority of the patients in the two hospitals are victims of clan conflicts. Bazid suggested that Keysane hospital operated more effectively than Medina, as it is located outside the centre of the city. It was also noted that maternity facilities in these hospitals are limited.

“**Lower Shabelle.** It was emphasised that access to this strategically important region is obstructed by clan conflicts. COSV provide basic dispensary posts in Merka, though these provide very basic treatments. Persons in this region mainly rely on medical facilities in Mogadishu. The region is also susceptible to cholera epidemics.

“**Bay and Bakool.** The hospital in Baidoa has been closed since August 2002 but MSF has a basic operation in Bay and ICRC has issued health kits in the region. However, the prevalence of high profile security incidents since 2002 has prevented these INGOs from maintaining a permanent presence. In Bakool there are a number of small clinics with surgery provision that are supported by MSF and the region has relatively good provision of basic healthcare. It was underlined of those people who have

undergone an operation, 50% do not survive the immediate post-operation period.

“**Gedo.** IMC operates dispensary posts in the region, providing basic medical treatments. Bazid also referred to malnutrition treatments provided by CARE International. It was noted that most persons requiring medical treatment travel to Mandera in Kenya.

“**Middle and Lower Juba (Kismayo).** Bazid confirmed that Kismayo hospital was open and provides basic treatments and MSF operates in Marere (on the border between Middle and Lower Juba) where basic healthcare is available. Other INGOs such as ICRC provide similar treatments and TB programmes in Jamame and Kismayo. ICRC operates two to three health dispensaries in Kismayo. A number of doctors operate in private clinics in Kismayo and some are also able to perform surgery.”
[7c] (p48-49)

PRIVATE SECTOR AND NGO PROVISION

- 27.13 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)

MENTAL HEALTH CARE

- 27.14 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)
- 27.15 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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FREEDOM OF MOVEMENT

28.01 The USSD Country Report for 2005 stated:

“As security conditions showed some stability in the northern parts of the country, refugees and IDPs returned to their homes. According to UN High Commissioner for Refugees (UNHCR) figures, 11,633 Somali refugees were repatriated to Somaliland and Puntland areas during the year [2005], although data on countries of origin were not available. Despite sporadic harassment, including the theft of humanitarian provisions from convoys by militiamen, repatriation to the northern parts of the country generally took place without incident. The UNIE [UN Independent Expert on Human Rights in Somalia] continued to report that IDP settlements in Somaliland were overcrowded, had poor sanitation, and offered little or no access to employment and education. No local, regional, or UN authorities have taken responsibility for the settlements.

“This situation differs dramatically from that in the south of the country, where UNHCR can count only six returnees. As harvests failed to materialize in December [2005] due to the failed ‘Deyr’ rains, populations in the south were on the move, with the expectation of IDP and refugee flows rapidly developing in 2006.” [2a] (**Internally Displaced Persons (IDPs)**)

28.02 As stated in a report by the Nairobi-based *East African* newspaper from January 2004, a US \$20 visa fee was payable for transit to and from airports/strips in Puntland and Somaliland, and from Puntland to central and southern regions. In places where a government exists, some of the money went to the state. In other areas, the occupying warlords and militiamen pocketed the money. [31a]

28.03 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, stated:

“Armed conflict and lawlessness in south and central Somalia continue to erode development gains and hamper humanitarian access, although at the same time access is improving in some areas like Lower Juba. ‘Somaliland’ and ‘Puntland’ are relatively stable and contain secure areas to which refugees can return and in which aid agencies can operate, even if a number of security incidents against international aid workers have led to the application of stricter security regulations. Furthermore, the possibility of conflict between ‘Somaliland’ and ‘Puntland’ over the contested Sool and Sanaag regions, claimed by both entities, continues to hinder access, despite these regions’ well known humanitarian needs.” [23e] (p157)

28.04 The report added:

“Most areas are affected, to varying extents, by a combination of weak governance, a fragile political process, the lack of socio-economic and political infrastructure, environmental damage caused by charcoal burning and the use of firewood, and a ban on the export of livestock to Saudi Arabia. Moreover, repeated drought, floods and semi-arid land make reintegration efforts more difficult.” [23e] (p157)

28.05 As noted in a Landmine Monitor Report covering 2005 (LMR 2005):

90 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

“Landmines have been used extensively in Somalia for decades in a variety of conflicts. Since the fall of Siyad Barre in 1991, many of the factions vying for power in Somalia have used antipersonnel and antivehicle mines, although many of the charges of ongoing use have been unclear and lack detail.

“In 2004, the use of landmines was reported in several regional conflicts. In Jilib and Barawe, militias from the Shiikhaal clan were reported to have planted mines after clashing with the rival Ayr group... In September 2004, landmines were reportedly used in clashes between the Somali Patriotic Movement (SPM) and the Jubba Valley Alliance (JVA) in the Lower Jubba region near the town of Kismayo. Geneva Call was told in September 2004 that militia in the Bay and Bekol regions have used mines in road blocks set up to tax travelers.

“Clashes with reported use of mines continued in various areas of Somalia in 2005. The Somaliland Mine Action Center told Landmine Monitor in June 2005 that landmines were still being used widely in south and central Somalia; it noted that whenever two clans fight, the first thing each side automatically decides is to use landmines to defend themselves... In April 2005, media reported the arrests of 20 foreigners by Kenyan police following fighting that included the use of antipersonnel mines between the Gare and Marehan clans in the Somali town of Burhache, approximately 10 kilometers from the Kenyan border.

“There have been reports of mine casualties in 2005, apparently due to new use of mines, particularly in the Galguduud region, where the Saad and Suleyman sub-clans have been fighting in the Adado and Hobyo areas. On 10 March 2005, a young boy reportedly stepped on the tripwire of a POMZ mine [antipersonnel mine] and was killed in Sanaag Ceerigaabo.” [24a] (p3)

28.06 The LMR 2005 also noted:

“Conflict in much of Somalia has largely prevented mine action efforts, including planned survey, clearance and mine risk education activities. There is no functioning mine action center for the whole of Somalia and no mine action strategy... The UN Development Programme (UNDP) has maintained a presence in Somalia focused on mine action capacity-building and technical assistance since 2003. A local mine action NGO, the Somali Demining & UXO Action Group Centre (SOMMAC), was formed in 1992 by engineers and technicians from former Somali military units. SOMMAC became part of SOCBAL, the Somalia Coalition to Ban Landmines, working in collaboration with the Institute for Practical Research & Training, Geneva Call and the ICBL. SOMMAC claims to carry out both operational demining activities such as survey, reconnaissance, clearance and mine risk education as well as advocacy.

“In southern Somalia, the unpredictable security situation continued to prevent coordinated mine action planning throughout 2004... In Puntland, in the northeast of the country, UNDP capacity-building of the Puntland Mine Action Centre (PMAC) was completed in 2004... In March 2004, UNDP started training police explosive ordnance disposal (EOD) teams in Garowe and Jowhar... Training was completed for one team (of four police) in Jowhar, and for one of three teams in Garowe... After deployment of the

Jowhar team in 2004, and establishment of the Transitional Federal Government, higher donor interest was expected by UNDP. But, ‘... without any kind of reliable information on the contamination level of the regions no serious intervention can be successful. Therefore, we would like to establish regional MACs as well – similar to the Puntland program...’ that are able to conduct surveys and data collection, and coordinate efficient tasking of the EOD teams.

“UNDP’s mine action workplan for Somalia includes supporting activities to establish sustainable EOD and mine clearance teams based on existing local police and army capacity, and the creation of mine action centers in affected regions to coordinate activities... Although the strategy remains broad in view of the uncertain political and security situation, UNDP’s main aim is to focus on national institution-building and local capacity-building to complement other, more operational, international initiatives. UNDP maintains that international NGOs are expected to gradually shift their activities further to the east and south.

“Projects in the UN Mine Action Portfolio for Puntland and southern Somalia include: further institutional support and capacity-building to PMAC for 2005-2007, provided by UNDP and the Somalia Rule of Law and Security Program, which is deemed vital for the coordination of mine action and treaty-implementation in the region; clearance activities by the Danish Demining Group in April 2005-March 2006 (budgeted at US\$858,956); continued development, with UNDP and Somalia Rule of Law and Security Program support, of police EOD teams in 2005-2007 (budgeted at \$60,000)... In Puntland, UNDP envisaged the creation of a mine clearance capacity within the armed forces in 2006-2007.” [24a] (p4-5)

- 28.07 The Electronic Mine Information Network (E-MINE) stated in its report covering 2005:

“During 2001/2002, SMAC [Somaliland Mine Action Centre] and other actors conducted a planning process, which resulted in an interim strategic plan. This remained in place until a more detailed plan could be made using LIS [Landmine Impact Survey] data and authorities published a national development plan.

“When LIS results were available, UNDP contracted Cranfield University to conduct a strategic planning workshop in late 2003. It was both a training session and a planning session, resulting in a proposed strategic plan presented to authorities for approval.

“The main goals in Somaliland are to: reduce the number of accidents and incidents from mines and UXO [unexploded ordnance]; clear the high impact areas identified by the LIS by 2006; clear access to water sources and grazing areas; Make Somaliland Free [sic] from the effect of landmines in seven to 10 years.

“The first two goals are being addressed with a comprehensive mine risk education programme and the technical survey and subsequent clearance of the high impact sites by the international NGOs operating in Somaliland. To achieve the last two, the creation of national clearance capacities in Somaliland will have to take place, it is envisaged that this can be done by strengthening the National Demining Agency (NDA) which is now part of the

Ministry of Defence with training and equipping 40 deminers from the Somaliland Army, expanding the police EOD [Explosive Ordnance Disposal] teams to all regions of Somaliland, conducting a mine risk education programme to highlight the dangers of 'intentional risk taking' and supporting SMAC to ensure continued coordination and planning of mine action in Somaliland.

"The strategy is coordinated by the SMAC in collaboration with implementing agencies. Coordination in Somaliland is mainly achieved through a monthly coordination meeting. SMAC, as the agency charged with coordination of mine action in Somaliland, hosts the meeting on behalf of the authorities." [21a] (p1-2)

28.08 The E-MINE report added:

"Until late summer 2003, there was no functioning mine action centre in Puntland, but during the latter half of 2003, UNDP, funded by the European Commission, worked to develop the capacity of the PMAC [Puntland Mine Action Centre] and in 2004 this capacity building phase was completed. PMAC in the second half of 2004 implemented the LIS Phase II in partnership with SAC [Survey Action Center]. A strategic planning workshop, similar to the one run in Somaliland has been conducted and a strategic plan will be formed by the end of 2005. The results of the LIS in Puntland show that the problem is extremely 'solvable' and makes Puntland a prime case for the 'completion Initiative'. It is felt that concerted action for a period of two to three years will render Bari, Nugaal and Northern Mudug free from the effects of mines and UXO [Unexploded Ordnance].

"The main goal for 2006 is the establishment of a national clearance capacity in Puntland to address the longer term problem while having an international NGO start immediate activities to clear all the high-impact areas identified in the LIS as well as a reduction in the number of UXO incidents by utilising the police EOD team in Puntland.

"A key aspect of the 2006 Mine Action strategy for the southern, and central of Somalia will be working with the TFG to build capacity and provide institutional support. One result of this support will be that the TFG may accede to the anti-personnel mine-ban treaty. This action will be taken in line with the signing of the Geneva Call; 'Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and Cooperation I Mine Action' (Deed of Commitment) signed by 16 factions in Somalia in 2002. UNDP, with Geneva Call, plans to expand activities in the South to support the ongoing peace initiatives and enhance civil society capacity to bring Somalia to the table and ensure that there is a strong will to comply too the treaty once signed." [21a] (p2)

28.09 The Economist Intelligence Unit (EIU), in its Somalia Country Profile for 2006, reported:

"Maintenance of the road network, a long-standing problem, has come to a virtual standstill because of the civil war, but in Somaliland rehabilitation work on sections of the Berbera-Burao and Berbera-Hargeisa roads has been conducted in recent years. In February 2003, the European Commission approved funding for a project for the rehabilitation of Somaliland's core road network. Some of the main roads in Hargeisa are in

quite good condition, whereas the outer roads remain in poor shape.”
[17a] (p14)

28.10 The EIU in its Somalia Country Profile for 2006, reported:

“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.” [17a] (p15)

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EXTERNAL MOVEMENT

28.11 There is little information on the present availability of passports and other documents.

28.12 The EIU, in its Somalia Country Profile for 2006, 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 and Djibouti. Control of Somali air space has been conducted from Nairobi since the UN pulled out of Somalia in 1995.

“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.” [17a] (p14)

28.13 UN Integrated Regional Information Networks (IRIN), in an article dated 31 July 2006, noted:

“As a sign of improved security in Somalia’s capital, the first commercial flight in more than a decade left Mogadishu’s newly reopened international airport on Sunday [30 July 2006].

“The city, considered one of the most dangerous places in the world, is under the jurisdiction of the Union of Islamic Courts (UIC), which controls much of southern Somalia.” [10j]

28.14 The IRIN article added:

“‘We had two flights by Jubba Airlines to the United Arab Emirates on Sunday,’ said Abdirahin Aden Weheliye, the airport manager.

“Another Jubba flight arrived in Mogadishu at 6:30 am local time on Monday [31 July 2006], with 98 passengers from Jeddah, Saudi Arabia. Jubba, a locally owned airline, used to operate out of Balidogle airport, 110 km northwest of Mogadishu.

“Weheliye said the UIC had secured the city and the airport ‘was now open for business. We expect other airlines to use the facility soon.’

“Since the UIC took control of Mogadishu, they have removed dozens of checkpoints manned by different militias that were loyal to warlords who used to control the city and its environs.” [10j]

28.15 In an article dated 24 August 2006, IRIN noted:

“As another sign of improved security in the Somali capital, Mogadishu, the country’s main port was officially re-opened on Thursday [24 August 2006] after more than 11 years.

“‘The chairman of the courts [Sheikh Sharif Sheikh Ahmed] officially opened the port today [Thursday 24 August 2006],’ said Sheikh Umar Ahmed Weheliye, the port manager.

“The city is now run by the Union of Islamic Courts (UIC), which controls much of south and central Somalia.” [10k]

28.16 AFROL News noted in an article dated 5 September 2006:

“Aiming to alleviate suffering caused by drought, a ship chartered by the UN’s World Food Programme (WFP) on Sunday docked in Mogadishu – the agency’s first delivery to the Somali capital’s port in more than a decade. The ‘MV Redline’ is loaded with 3,300 tonnes of WFP food, which is to be trucked to the drought stricken regions of Bay and Bakool in the south.

“Rival claims by competing warlords closed Mogadishu port in February 1995. In addition, an increasing problem of piracy along the Somali coast made shipping to the war-ravaged capital impossible.

“Only the relative peace and order imposed by the radical Union of Islamic Courts, which seized the capital in June, has made the Mogadishu region safer. The Islamists declared the Mogadishu port reopened in August and

have taken armed control over port facilities. Pirates, looters and others threatening shipping services are dealt with according to harsh Islamic laws.

“While the UN and Western nations have been sceptical towards the brutal policies of Mogadishu’s ruling Islamists, the reopening of the city’s port has nevertheless been welcomed. ‘Mogadishu is once again a key entry point for getting food stocks into the country. The reopening of the port makes it easier for us to reach more than one million people across the country who rely on our assistance,’ stated Leo van der Velden of WFP’s Somalia office.” [34a] (p1)

28.17 The article added:

“The Mogadishu Islamists, who are not in control of any naval forces, however [sic] have not been able to stop piracy off the Somali coast, although incidents have become fewer. A spate of pirate attacks in Somali waters in 2005 forced WFP to bring food aid to the drought-stricken south by road because shipping companies were unwilling to risk voyages to Somalia. Two WFP-chartered ships were seized by pirates in 2005 and one escaped a pirate attack in March 2006.” [34a] (p2)

28.18 Notwithstanding the lack of resources, the ICU increased control of the country is reported to be suppressing pirate activity. An article produced by the Global Terrorism Analysis of The Jamestown Foundation dated 22 August 2006 stated:

“Months after gaining control of Mogadishu, the main seaports and most of the southern parts of the country, Somalia’s Islamic Courts Union (ICU) has begun to rein in sea piracy. Somalia’s 3,300 kilometer coastline has been classified by the International Maritime Bureau as one of the world’s worst affected areas for piracy. Media reports, however, say that incidents of piracy have declined since the ICU began to consolidate power throughout the country. While advancing within Somalia’s mainland, the ICU has also advanced along the coastline, taking control of cities that had traditionally been used as pirate bases.” [18a] (p1)

SOMALI REFUGEES

28.19 In a news report of 8 May 2006, the UNHCR gave details of the trafficking of refugees into the Yemen:

“From September 2005 until April 2006, a total of 241 boats arrived from Somalia in Yemen – an average of 30 boats a month. Several hundreds of people died during these trips, although an exact figure is unavailable.

“In summer, particularly between mid – June to September, the crossing becomes more dangerous with rougher seas and smuggling boats stop sailing.

“Bossaso, the chief commercial port of Puntland - a self-declared autonomous area in north-east Somalia – is one of the world’s busiest smuggling hubs. For at least three years, thousands of Somalis, and increasingly, Ethiopians, some of which are refugees, have set off in little open fishing boats hoping to reach Yemen. From there many want to move on to work illegally in Saudi Arabia or in the Gulf States.

“UNHCR has been working closely with the authorities in Puntland to inform people about the dangers of using smugglers to cross the Gulf of Aden. In January, the UN refugee agency also produced a video and radio programme to raise awareness among Somalis and Ethiopians of the risks involved in such crossings. At the same time, it has called on donors to support the international community in its efforts to improve protection and assistance to internally displaced persons in Puntland who live in very difficult circumstances.

“But, thousands of Somalis, many fleeing violence in their homeland and others from Eritrea, Ethiopia and even as far away as Sri Lanka, continue to arrive in Yemen every year. On average an estimated 100 people a day arrive after making the hazardous journey between September and March.

“Yemen, one of the few countries in the region to have signed the 1951 Refugee Convention, has been generous in receiving refugees. There are currently more than 80,000 registered refugees in Yemen, of which 75,000 are Somalis.” [23f] (p2)

- 28.20 A UNHCR news report, of 11 August 2006, noted the arrival of Somalis seeking refuge in Kenya during 2006:

“An average of 100 Somali refugees are arriving every day at Dadaab in north-east Kenya. But UNHCR is concerned that the figure could rise much higher if hostilities in neighbouring Somalia escalate. Many of those who have arrived in the past week said they had fled Mogadishu to escape fighting between the Union of Islamic Courts and a loose alliance of warlords, who controlled the Somali capital for years. The UIC seized control of Mogadishu in June [2006].

“Since the beginning of the year, some 18,000 Somali refugees have arrived in Dadaab, where three refugee camps already hosted some 134,000 mainly Somali refugees. If the current rate of arrival continues, we can expect another 12,000 refugees by the end of the year. But this number could be much higher if the fighting gets worse in Somalia. We would need to open a fourth camp and raise more funds to cope with the inflow.” [23g] (p1)

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INTERNALLY DISPLACED PEOPLE (IDPs)

29.01 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, noted:

“In 2005, UNHCR seconded a senior IDP advisor to assist the UNCT [The United Nations Country Team] in the development of a joint UN strategy to better address the needs of 400,000 internally displaced people. This strategy has three objectives: improve the protection of IDPs, returnees and other vulnerable populations; improve their current living conditions; and promote durable solutions for them. The UNCT, under the leadership of the Humanitarian Coordinator and assisted by OCHA [Office for the Coordination of Humanitarian Affairs], is currently in the process of developing an action plan for the implementation of the joint strategy. UNHCR’s role in the strategy is focused on protection – Including community mobilization – emergency shelter and the provision of basic services. Finding durable solutions for internally displaced people is intrinsically linked to finding solutions for returning refugees, because they mostly live in the same communities.” [23e] (p158)

29.02 The report added:

“In 2006, one of the main humanitarian concerns will be to alleviate the effects of several years of drought and severe flooding in 2005 which hit crops and livestock and thus further contributed to the impoverishment of an estimated 700,000 Somalis. Furthermore, assistance is required for 1.25 million returnees and an estimated 400,000 internally displaced people scattered in 34 locations throughout Somalia (of whom 250,000 are in Mogadishu). Among those displaced are the 2004 tsunami victims, many of whom left their communities along the Indian Ocean coast and moved to their relatives further inland. The international community has failed to respond adequately to the plight of displaced populations, and the authorities lack the capacity to address this issue. The severe shortfall in funding for recovery and development activities by UN agencies and NGOs, and a total absence of bilateral aid, make the shortage of skills among the Somali population even more damaging.” [23e] (p157)

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RETURNING REFUGEES

30.01 On 1 June 2004, the UNHCR announced the repatriation of some 2,000 refugees from the Aisha camp in Ethiopia. [23c] The closure of Hartishek (what had been the world's largest refugee camp) was announced by UNHCR in an IRIN article of 2 July 2004, following the repatriation of the remaining 719 refugees. [10d]

30.02 As noted in the JFFMR March 2004:

“[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)

30.03 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, noted:

“An estimated 350,000 Somali refugees continue to reside in nearby countries. A protective environment conducive to self-reliance must be created in order to improve the prospects for their voluntary repatriation. In 2006, UNHCR will continue to promote repatriation to ‘Somaliland’ and ‘Puntland’, and facilitate voluntary return to other areas of Somalia. Some 10,000 refugees will be repatriated during the year [2006]. The repatriation from Djibouti to ‘Somaliland’ will be completed. To enable Somali refugees in camps to make informed decisions on their return, information campaigns and confidence building activities, including ‘go and see’ visits, will be jointly conducted with the authorities of each hosting country and the authorities and communities of potential areas of return. UNHCR will focus its reintegration interventions on ‘Somaliland’ and ‘Puntland’, as well as on Mogadishu and its environs. UNHCR will continue to provide legal assistance to returnees, as well as to refugees, through the legal aid network. The repatriation of larger groups to the central and southern parts of the country may be possible if the political developments result in positive change. This would require considerable resources that cannot be provided under the 2006 annual programme, but UNHCR is preparing an operational framework for this scenario as well as large-scale repatriation, whenever conditions permit.” [23e] (p158)

UNHCR POSITION ON THE RETURN OF REJECTED ASYLUM SEEKERS

30.04 The following are extracts from the UNHCR's position paper of January 2004:

“Although the levels of faction and large-scale inter-clan conflicts may have reduced in southern Somalia, insecurity continues to be a significant problem. Lives continue to be threatened by violence, crime, clan feuds, lack of justice as well as poverty. Furthermore, humanitarian agencies have real problems gaining access to many areas. Militia loyal to different strongmen succeed one another in a perpetual move to establish a sustainable control on certain areas. There is a constant fear of abrupt change in clan balance shaking up fragile territorial power bases. This often leads to conflicts between clans and factions. Mines have been laid in many areas as part of

current conflicts to either mark territorial control or prevent the movement of people. Moreover, the lack of any effective governing administration may render it impossible for countries with rejected Somali asylum seekers to embark on any comprehensive and coordinated dialogue aiming at removing such cases. Consequently, UNHCR considers that persons originating from southern Somalia are in need of international protection and objects to any involuntary return of rejected asylum-seekers to the area south of the town of Galkayo.” [23a] (p9)

“Despite the fact that security, stability and governance prevail in Somaliland and to an increasing extent in Puntland, the conditions are not generally favourable for the forced return of large numbers of rejected asylum-seekers. While the restoration of national protection, in line with protection standards applicable to all other citizens, is not likely to be a problem for persons originating from these areas, the weak economy, which offers few employment opportunities, and the lack of sufficient basic services, result to [sic] an environment which is not conducive to maintaining harmonious relations among the population. Therefore, UNHCR advises against indiscriminate involuntary returns. It is recommended that cases be reviewed individually, and that States take into consideration the particular circumstances of each case (age, gender, health, ethnic/clan background, family situation, availability of socio-economic support), in order to determine whether possible return of the individuals/families in question can be sustainable, or whether they should be allowed to remain on their territory on humanitarian grounds.” [23a] (p10)

“In this regard, it should also be noted that women, 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. While it is not a policy of the authorities in Somaliland and Puntland, returnees and deportees from further afar than the immediate region, or even from urban areas within the region, often face severe discrimination by their community on account of not being sufficiently Somali. A 2003 UN-OCHA report entitled “A Gap in their Hearts: the experience of separated Somali children” concludes: “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. While this study focuses on child smuggling and its consequences, the findings related to the treatment of returning youths to Somalia are relevant also for other young Somalis who are involuntarily returned to their homeland, after having been exposed and to a certain extent adapted to another culture. As some of the rejected asylum-seekers considered by host countries for deportation may in fact be victims of child smuggling (up to 250 children are sent out of the Somali capital alone every month), the detailed findings of this study are highly relevant to decision makers on involuntary return of Somalis.” [23a] (p10)

“Somali women who unsuccessfully but credibly based their asylum claims on issues related to gender-based persecution should not be subject to involuntary return to any part of Somalia. While authorities in Somaliland and Puntland are to varying degrees prepared to work towards reducing harmful traditional practices and enhancing respect for the rights of women,

100 This Country of Origin Information Report contains the most up-to-date publicly available information as at 27 October 2006. Older source material has been included where it contains relevant information not available in more recent documents.

they have as yet no real means to enforce such slowly emerging policies for the tangible benefit of women.” [23a] (p10)

“Persons suffering from HIV/AIDS are stigmatized in their communities to the extent that they are outcasts and abandoned by their clans and families. They cannot count on the support by those usually expected to ease the period of reintegration upon their return. Medical facilities in all parts of Somalia are not equipped to render the necessary assistance. Except for those few who can afford to import the drugs, anti-retroviral treatment is not available in Somalia. The involuntary removal of persons with HIV/AIDS should thus be strictly avoided. Furthermore, even if HIV-negative, AIDS orphans or relatives of persons who suffer from HIV/AIDS will face the same stigmatization and discrimination, if returned to Somalia. Accordingly, the deportation of AIDS orphans or relatives of persons known to be living with HIV/AIDS is highly inadvisable.” [23a] (p10)

“States considering the involuntary return of rejected asylum-seekers to Somaliland and Puntland should take careful account of the potential impact of their actions in relation to the already over-stretched community coping mechanisms and basic services, coupled with a weak economy. Forced returns, particularly if implemented in large numbers, could jeopardize the on-going peace, reconciliation and recovery efforts of the administrations and people, which are only modestly being supported by the international community.” [23a] (p11)

- 30.05 In November 2005, in the ‘UNHCR Advisory on the Return of Somali Nationals to Somalia’, it stated:

“UNHCR issued its current position concerning returns to Somalia in January 2004. By way of this additional advisory, which complements and should be read alongside the position of January 2004, UNHCR re-confirms that this position remains valid. Indeed, prevailing problems in Somalia only support its continued validity and application.” [23b] (p1)

- 30.06 The UNHCR stated in the same document:

“5. In this connection, UNHCR underlines that an internal flight alternative is not applicable in Somalia, as no effective protection can be expected to be available to a person in an area of the country, from where he/she does not originate. In this regard, considerations based on the prevailing clan system are of crucial importance.

“6. Therefore, international protection should not be denied on the basis of the internal flight alternative. Such a denial would effectively condemn the persons in question in a form of internal displacement, which brings along a high risk of denial of basic human rights and violation of socio-economic rights, exacerbating the already high levels of poverty and instability for both the individual and the community. It is especially important to note the likely weakened position of the women, children, elderly and physically and/or mentally disabled, whose overall exploitative circumstances could be expected to increase.

“7. UNHCR acknowledges that not all Somali asylum-seekers may qualify for refugee status under the 1951 Convention. However, UNHCR considers that asylum-seekers originating from southern and central

Somalia are in need of international protection and, excepting exclusion grounds, should be granted, if not refugee status, then complementary forms of protection.

- “8. Correspondingly, UNHCR re-iterates its call upon all governments to refrain from any forced returns to southern and central Somalia until further notice.
- “9. As regards forced returns to northern Somalia, while some returns are possible under certain conditions, notably where there are clan links within the area of return and effective clan protection, large-scale involuntary returns should be avoided. Persons not originating from northern Somalia should not be forcibly returned there.” [23b] (p2)

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FOREIGN REFUGEES

31.01 The USSD report stated:

“The 1990 constitution and unimplemented TFC do not include provisions for the granting of asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and there was no official system for providing such protection. In practice the authorities provided some protection against refoulement, the return of persons to a country where they feared persecution. The authorities granted refugee status or asylum.

“The authorities in Somaliland have cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.”
[2a] (Protection of Refugees)

31.02 The United Nations High Commissioner for Refugees (UNHCR), in its Global Appeal 2006, referring to Somalia, gave the numbers of refugees as 1,145 as of January 2006. The report also noted:

“UNHCR will also provide international protection and life-sustaining assistance to urban refugees and asylum-seekers (mainly from Ethiopia) in ‘Somaliland’ and ‘Puntland’. These activities will focus on resettlement, because the opportunities for local integration and voluntary repatriation are very limited.” **[23e] (p158)**

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CITIZENSHIP AND NATIONALITY

32.01 The requirements for Somalian citizenship are given in Law No 28 of 22 December 1962 – Somali Citizenship. [23d]

32.02 As this legislation is not being applied, we can provide no information on the acquisition of citizenship. There are reports that Somali passports can 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]

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EMPLOYMENT RIGHTS

TRADE UNIONS AND THE RIGHT TO STRIKE

33.01 The USSD report 2005 stated:

“The 1990 constitution and the unimplemented TFC provide workers with the right to form unions; however, the civil war and factional fighting have resulted in the absence of any legal protection for workers’ rights and the disintegration of the country’s single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country’s political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

“The unimplemented TFC, the Puntland Charter, and the Somaliland Constitution establish the right of freedom of association, but no unions or employer organizations existed.” [2a] **(The Right of Association)**

EQUAL EMPLOYMENT RIGHTS

33.02 The USSD report stated:

“Wages and work requirements in the traditional culture were established largely by ad hoc bartering based on supply, demand, and the influence of the worker’s clan. In June [2005] there were private strikes by private transportation groups in protest of higher fuel costs. Also in June, a number of Puntland businesses shut down to protest higher taxes. There are no export processing zones.” [2a] **(The Right to Organize and Bargain Collectively)**

FORCED LABOUR

33.03 The USSD report noted:

“The pre-1991 Penal Code and the unimplemented TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred ... Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There were reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.” [2a] **(Prohibition of Forced or Compulsory Labor)**

33.04 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)**

CHILD LABOUR

33.05 The USSD report noted:

“The pre-1991 Labor Code and the unimplemented TFC prohibit child labor; however, child labor was a problem, and there were child soldiers ... Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. From 1999-2003, UNICEF [UN Children’s Fund] estimated that 32 percent of children, 29 percent of males and 36 percent of females, between the ages of 5 and 14 worked; however, the percentage of children engaged in labor was believed to be even higher during the year [2005]. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.” [2a] **(Prohibition of Child Labor and Minimum Age for Employment)**

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Annex A - Chronology of major events

- 1925** Territory east of the Jubba river detached from Kenya to become the westernmost part of the Italian protectorate.
- 1936** Italian Somaliland combined with Somali-speaking parts of Ethiopia to form a province of Italian East Africa.
- 1940** Italians occupied British Somaliland.
- 1941** British occupied Italian Somalia.
- 1950** Italian Somaliland became a UN trust territory under Italian control.
- 1956** Italian Somaliland renamed Somalia and granted internal autonomy.
- 1960** British and Italian parts of Somalia became independent, merged and formed the United Republic of Somalia; Aden Abdullah Osman Daar elected president.
- 1964** Border dispute with Ethiopia erupted into hostilities.
- 1967** Abdi Rashid Ali Shermarke defeated Aden Abdullah Osman Daar in elections for president.
- 1969** Muhammad Siad Barre assumed power in coup after Shermarke was assassinated.
- 1970** Barre declared Somalia a socialist state and nationalised most of the economy.
- 1974** Somalia joined the Arab League.
- 1975** Severe drought caused widespread starvation.
- 1977** Somalia invaded the Somali-inhabited Ogaden region of Ethiopia.
- 1978** Somali forces pushed out of Ogaden with the help of Soviet advisers and Cuban troops.
- 1981** Opposition to Barre's regime emerged after he excluded members of the Mijertyn and Isaq clans from government positions, which were filled with people from his own Marehan clan.
- 1988** Peace accord with Ethiopia.
- 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.
- 1996** Warlord Muhammad Aideed died of his wounds and was succeeded by his son, Hussein.
- 1997** Clan leaders met in Cairo and agreed to convene a conference of rival clan members to elect a new national government.
- 1998** Puntland region in northern Somalia declared unilateral independence.
- 2000** **August:** Clan leaders and senior figures met in Djibouti and elected Abdulkassim Salat Hassan president of Somalia.
- 2000** **October:** Hassan and his newly-appointed prime minister, Ali Khalif Gelayadh, arrived in Mogadishu to heroes' welcomes.
- 2000** **October:** Gelayadh announced his government, the first in the country since 1991.
- 2001** **January:** Somali rebels seized the southern town of Garbaharey, reportedly with Ethiopian help.
- 2001** **February:** Mohamed Qanyareh Afrah, signed an accord recognising the interim government, reportedly in return for a promise of ministerial posts.
- 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.
- 2001** **May:** Dozens were killed in Mogadishu's worst fighting in months between transitional government forces and militia led by warlord Hussein Aideed.
- 2001** **May:** Referendum in breakaway Somaliland showed overwhelming support for independence.
- 2001** **August:** Forces of the opposition Somali Reconciliation and Restoration Council seized Kismayo for General Mohammed Hirsi Morgan.
- 2001** **August:** UN appealed for food aid for half a million people in the drought-hit south.
- 2001** **November:** US froze the funds of main remittance bank over suspected al-Qaeda links. UN humanitarian official said that this move was helping to push country towards economic collapse.
- 2002** **April:** Warlords in the southwest unilaterally declared autonomy for six districts and formed 'Southwestern Regional Government'.
- 2002** **May:** The new president of breakaway Somaliland Dahir Riyale Kahin took power after the death of Mohamed Ibrahim Egal and pledged to preserve sovereignty.
- 2002** **October:** 21 warring factions and the transitional government signed a ceasefire under which hostilities will end for the duration of peace talks.

- 2003 April:** First presidential elections in breakaway Somaliland; incumbent Dahir Riyale Kahin won but by narrow margin.
- 2004 January:** Breakthrough at peace talks in Kenya; warlords and politicians signed a deal to set up new parliament.
- 2004 May/June:** More than 100 killed in upsurge of fighting. Deadly clashes between ethnic militias in southern town of Bula Hawo.
- 2004 August:** A new transitional parliament was inaugurated at ceremony in Kenya. In October the body elects Abdullahi Yusuf as president.
- 2004 December:** Prime Minister Ali Mohammed Ghedi was approved in office by parliament. Large waves generated by an undersea earthquake off Indonesia hit the Somali coast and the island of Hafun. Hundreds of deaths were reported; tens of thousands of people were displaced.
- 2005 May:** An explosion killed at least ten people and injured many more at a rally in Mogadishu where Prime Minister Ali Mohammed Ghedi was giving a speech.
- 2005 June:** The Somali government started to return home from exile in Kenya, but there were bitter divisions over where in Somalia the new parliament should sit.
- 2005 November:** Prime Minister Ali Mohammed Ghedi survived an assassination attempt in Mogadishu. Gunmen attacked his convoy, killing six people.
- 2006 January:** At talks in Yemen, President Abdullahi Yusuf and his political rival, Speaker Sharif Hassan Sheikh Adan, agreed that parliament should meet on Somali soil but there was no mention of where the central government should be based.
- 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 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 September:** The transitional government and the Union of Islamic Courts began peace talks in the Sudanese capital, Khartoum. President Yusuf was the target of Somalia's first known suicide bombing targets outside parliament in Baidoa.

Source [8i]

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Annex B - Political organisations

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)

DSA (Digil Salvation Army)

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

JVA (Juba Valley Alliance)

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)

RRA (Rahawayn Resistance Army)

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)

RSA (Rahawayn Salvation Army)

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

SDM (Somali Democratic Movement)

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

SNA (Somali National Alliance)

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)

SNF (Somali National Front)

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)

SNSC (Somali National Salvation Council)

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

SPM (Somali Patriotic Movement)

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)

SPA (Somali Peace Alliance)

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)

SRRC (Somali Reconciliation and Restoration Council)

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

SRSP (Somali Revolutionary Socialist Party)

Founded 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)

SSA (Somali Salvation Alliance)

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

SSDF (Somali Salvation Democratic Front)

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 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)

USC (United Somali Congress)

Founded 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)

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

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. [10i]

USP (United Somali Party)

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

SAMO (Somali African Muki Organisation)

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	Residential location
DIR	Issa Gadabursi Bimal	All regions of Somalia. Also Ethiopia, Djibouti, Kenya
ISAAQ	<i>Habr Awal:</i> Saad Muse Issa Muse Ayub <i>Habr Garhadjis:</i> Habr Yunis Aidagalla Arab <i>Habr Jaalo (Habr Toljaalo):</i> Mohamed Abokor Ibrahim Muse Abokor Ahmad (Toljaalo)	All regions of Somalia especially Lower Shabelle and Hiran. Also Kenya and Ethiopia
DAROD	Marehan Ogaden <i>Harti Confederation:</i> Majerteen Dulbahante Warsangeli	All regions of Somalia. Also Kenya and Ethiopia
HAWIYE	Hawadle Waadan Habr Gedir Abgal Murosade Gaalgale (Galjael, Galje'el)	Hiran and Gedo Also Kenya, Ethiopia
DIGIL	Dabarre Jiddu Tunni Geledi Garre Begedi	Mainly Lower Shabelle, also Middle Juba, Bay, Hiran, Gedo and Mogadishu. Also Kenya and Ethiopia
RAHANWEYN	<i>The "Eight":</i> Maalinweyna Harien Helleda Elai, and others	Bay, Bakool, Gedo. Also Kenya and Ethiopia
	<i>The "Nine":</i> Gassa Gudda Hadama Luwai Geledi, and others	Bay, Bakool, Gedo, Middle Juba, and Hiran. Also Kenya and Ethiopia

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 21.02 Somali clans. [7a]

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Annex D - Main minority groups

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, pastorals
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 [26b] (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 [26b] (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 Section 21.08 Minority groups.
[26b] (p11-12)

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Annex E - Prominent people

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. [10e]

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. [8e] [10i]

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 controls 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 UICs’ Shura, a consultative body, while Sheikh Sharif Sheikh Ahmed, previously Chairman, now heads the executive committee. [8e] [10i]

Hassan Abshir Farah

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

Ali Mohamed Ghedi

Interim 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)

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

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. [10e]

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. [10e] [17a] (p9)

Abdullahi Sheik Ismaili

Foreign Minister in Mr Ghedi’s cabinet. A former diplomat. [17a] (p9)

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
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EBRD	European Bank for Reconstruction and Development
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
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization for Economic Co-operation and Development
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 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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