

Danish Immigration Service

Report on the Nordic fact-finding mission to Mogadishu, Somalia

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1. INTRODUCTION

The vast majority of Somalis seeking asylum in Scandinavia say that they come from Mogadishu. As a recurrent theme running through their asylum applications, general conditions in the country and in Mogadishu are given as grounds for asylum. Like many other parts of Somalia, Mogadishu was the scene of fierce fighting during the civil war. Mogadishu, furthermore, lay at the heart of the political and armed power struggle in central and southern Somalia.

During its mission to Mogadishu, the delegation's findings included the following:

From the many conflicts in Mogadishu a complex political landscape has emerged in the city. The lack of any overall administration in Mogadishu has also in places given rise to a security vacuum, in which uncontrolled or "freelance" militias or outright bandits have a fairly free hand.

Mogadishu is divided into four major clan-based administrations, drawing their political and administrative authority in part from armed clan militias. Those administrations are headed by Ali Mahdi Mohamed, Hussein Mohamed Aideed, Osman Hassan Atto and Musa Sude respectively. There are also at least three enclaves or districts dominated by various clan groupings. These enclaves are, however, allied with one of the four administrations. The clan factions involved come mainly from the Murosade, Abgal and Hawadle clans.

As a result of this division, security conditions may vary considerably from one part of Mogadishu to another. The common presence of arms and sometimes uncontrolled militias, coupled with a weak and fragmented administration, generally means that the population of Mogadishu live in a state of insecurity and under particularly trying economic and material conditions all round.

The scale and persistence of armed conflicts in Mogadishu and the presence of authorities claiming to control both the city and large parts of the rest of Somalia make human rights a core issue in the report. This comes against a background of vulnerability of the population in security terms and responsibility of the self-appointed authorities for observance of human rights.

The military and political conflict in Mogadishu has been reflected in various ways in other parts of Somalia, especially in the centre and south of the country. This report should therefore be read in conjunction with the report by the Danish Immigration Service (US) and the Swedish Immigration Service (SIV) on the Nordic fact-finding mission to central and southern Somalia from 15 February to 14 March 1997, issued in Copenhagen in May 1997.

The political and security situation in some parts of central and southern Somalia, including Mogadishu, is complex and fragile, with drastic changes possible overnight. Relatively peaceful conditions and an apparently stable administration can quite easily come under pressure from without or within, bringing a sudden deterioration in the security situation.

It is, for instance, not uncommon, even in parts of Mogadishu with relatively stable administrations during the war years, for armed clashes to spring up without warning between militias, generations and families from the same clan. A significant cause of such often vio-

lent but short-lived clashes lies in the serious economic situation and scarcity of resources in the city.

It should be noted that the major political leaders in Mogadishu may be assumed to have an interest in claiming to control areas of Somalia in which their writ does not in fact run. This applies in particular to the two major clan leaders, Hussein Aideed and Ali Mahdi, both of whom claim to control large parts of Somalia. Hussein Aideed also claims to be President of Somalia.

The delegation held meetings with the *de facto* authorities in both northern and southern Mogadishu. It also met representatives of UN agencies, local and international NGOs, human rights organizations, the press and women's groups as well as prominent figures.

Only two of the sources used by the delegation wished to remain anonymous, while another source requested that its comments concerning the Sharia court should not be attributed.

All titles of those consulted are given in their English forms as supplied to the delegation.

The delegation's meetings in Mogadishu were conducted in English or in Somali, in the latter case with the aid of an interpreter.

Throughout the delegation's stay in Mogadishu it was escorted by a sizeable number of armed guards provided by an international NGO.

The mission report has been compiled by Jens Weise Olesen, of the Danish Immigration Service, in conjunction with Christer Svan, of the Swedish Immigration Service.

2. BACKGROUND TO THE MISSION

For quite some while now the Nordic countries' immigration authorities have cooperated in sharing information and in carrying out fact-finding missions to Somalia. They have thus conducted missions to north-eastern Somalia and to central and southern Somalia.

The Danish Immigration Service (US), the Norwegian Immigration Service (UDI), the Finnish Immigration Service (UVI) and the Swedish Immigration Service (SIV) decided in May 1997 to carry out a joint mission to Mogadishu.

The mission to Mogadishu follows on from the mission by the Danish, Finnish and Swedish Immigration Services to central and southern Somalia in February and March 1997. That mission is covered by the report on the fact-finding mission to central and southern Somalia from 15 February to 14 March 1997, compiled by the Danish and Swedish Immigration Services and issued in Copenhagen in May 1997.

The mission to Mogadishu involved representatives of the Danish, Norwegian and Swedish immigration authorities. The delegation was headed by its Danish member. The mission was carried out from 28 May to 13 June 1997.

The UNDP's Somalia Country Office classes Mogadishu as a Phase V security-level area, i.e. a war zone. See the fax of 20 May 1997 from the UNDP to the Danish Immigration Service, attached as Annex 1. In view of the very serious security situation for foreigners in Mogadishu, it was decided to keep the delegation down to as few members as possible. Only one representative of each of the participant countries' immigration authorities therefore took part in the mission.

The UNDP provided the mission with the necessary logistical support in the form of air transport, up-to-date security assessments and contacts with authorities and put it in touch with the NGO Action Contre la Faim (ACF) and its Somalia Mission in Mogadishu. ACF supplied the delegation with accommodation and with security guards and cars for its movements in Mogadishu. The ACF security adviser also carried out constant security appraisals for the delegation.

3. PURPOSE OF THE MISSION

The purpose of the mission to Mogadishu was to glean information on the following:

- the political and administrative situation in Mogadishu;
- the security situation in Mogadishu;
- the human rights situation in Mogadishu;
- the relationship between the Sharia court and Ali Mahdi's administration in northern Mogadishu;
- the political, administrative and security relationship between northern Mogadishu and the Middle Shabelle and Hiran regions;
- humanitarian conditions;
- repatriation conditions;
- document-issuing authorities.

For the purposes of its inquiries, the delegation visited both northern and southern Mogadishu. It twice crossed the "Green Line" dividing Mogadishu politically and administratively into two main parts. See the map of the political and administrative subdivisions of Mogadishu in Annex 2.

4. MOGADISHU AND THE BENADIR REGION

4.1. Mogadishu as a "capital"

Mogadishu was the capital of the Somali Democratic Republic, dissolved in January 1991. Since ex-President Mohamed Siad Barre was ousted on 26 January 1991, there has been no central administration in Somalia, but the former capital has been the scene of fierce power struggles for control of Somalia as a whole. The clan leaders in Mogadishu have therefore played a crucial role in the course of the civil war in Somalia and it is also in Mogadishu that the key to eventual peace in Somalia presumably lies.

This is so despite the fact that many other parts of Somalia have already established regional and in some cases independent administrations not in practice under the political sway of power struggles in Mogadishu. The authorities in many of Somalia's other regions or areas have for some while wanted to look ahead to a settlement of the conflicts in Mogadishu, supporting the principle of establishing a central government for the whole of Somalia. The exception to this is the Egal administration in north-western Somalia (Somaliland), which has proclaimed north-western Somalia an independent state.

4.2. Geography

Mogadishu is situated on Benadir's Indian Ocean coastline in the Benadir region of central Somalia. See the map of Somalia in Annex 3. The Benadir region consists of 15 districts: Abdulaziz, Bondheere, Hamar Jab-Jab, Hamar Weyne, Hawl-Wadaag, Heliwaa, Hodan, Kaaraan, Shinganni, Shibis, Waberi, Wadajir, Dharkenley, Wardhigley and Yaqshid.

Around Mogadishu lies a fairly flat, grass-covered coastal plain, giving way to semi-desert and dry savanna. The Benadir coast, including the towns of Merka, Brawa and Kismayo, used to form part of the East African Swahili coast. The oldest part of the city is called Hamar Weyne, named after the city's original inhabitants, the Rer Hamar. That part of the city still bears the traces of Swahili culture, e.g. in its architecture. There are huge sand dunes in various places along the coast. Mogadishu, Merka, Brawa and Kismayo all have ports for ocean-going vessels. Only the port of Merka is currently in operation.

This coastal stretch contains important grazing lands for the area's camels, cattle, goats and sheep, which also make use of the area's salt resources and saline vegetation. The course of the River Shabelle lies north of Mogadishu, passing midway between Jowhar and Mogadishu. South of Mogadishu, the river flows almost parallel to the coast and the flooded areas along the river provide important grazing in the dry season. The River Shabelle supports a great deal of farming, with the growing of fruit, including bananas, and a number of other food crops. Bananas and livestock form the two main export products in southern Somalia. There are thus sizeable economic interests at stake in the struggle for control of the banana export business. A very large proportion of banana output is currently exported through the port of Merka, since the port of Mogadishu has been closed for much of the civil war and still is.

4.3. Population and clan pattern

In 1981 the population of Mogadishu stood at about 500 000 (Africa South of the Sahara 1996). In 1995 the United Nations Development Office for Somalia (UNDOS) put the city's population at 688 000. The Chairman of the Somali Independent Journalists' Union (SIJU), Said Bakar Mukhtar, believed there to be currently about 1 million people living in Mogadishu.

As a capital city, Mogadishu has been, and still is, home to members of more or less all clans and minority groups in Somalia. Annex 4 gives a survey of clan distribution and size in districts of the Benadir region. The survey was compiled by the UNDOS. The main population groups, numerically speaking, in Mogadishu belong to various Hawiye clans.

Before the Hawiye clans launched their assault on Mogadishu in the autumn of 1990, there were a number of Marehan clan members in Mogadishu. The Marehan are ex-President Siad Barre's own clan. Marehan members generally faced fierce atrocities as the other clans, especially Hawiye clans, seized control of Mogadishu. Many Marehan members, in particular prominent members of Siad Barre's Government, therefore took refuge abroad or in other parts of Somalia. Above all, many fled to the Marehan clans' "homelands" in Somalia, viz. the Gedo region and Abud Waq in the Galgaduud region. According to Madiina Amburey, Head of the USC/SSA Shibis District Women's Group, however, some Marehan did still stay in Mogadishu throughout the war and a few have also returned there, from the Gedo region in particular. The same source added that ordinary Marehan members do not generally face persecution in Mogadishu.

There are members of virtually all Somali minority groups in Mogadishu. Some of them, including the Rer Hamar and the Bantus, found themselves in a very exposed position during fighting in the city.

4.4. Economy and infrastructure

The economic situation in Mogadishu is generally difficult for the city's inhabitants. The closure of both the port and the airport is restricting the flow of goods into and out of the city. Destruction during the war has been extensive. In some parts of the city, almost all houses have been destroyed and many roads are in a very poor state.

The port of Merka is situated in Habr Gedir-controlled territory, i.e. under Hussein Aideed's control, but is used by traders from virtually all clans. As in so many other parts of the country, trading can be engaged in across clan boundaries. According to a senior member of staff at the UNDP in southern Mogadishu, revenue from harbour dues, etc. in Merka and banana export earnings make up far and away the largest source of income for Hussein Aideed's administration in southern Mogadishu. To the north-east of Mogadishu are two "ports". One serves as a petrol and oil terminal. The other, called El Man, is used for all other goods. At both, ships lie at anchor off the coast and smaller craft ferry goods in the rest of the way to the coast. Those two "ports" are controlled by Ali Mahdi's administration.

There are also two airports, or airstrips, in operation in the vicinity of Mogadishu. Balidoogle airport in southern Mogadishu is controlled by Aideed and Isalay airport to the north-east of Mogadishu by Ali Mahdi.

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The main approach road to Mogadishu is the road from Ethiopia via Beled Weyne and Jowhar down to Mogadishu. At times during the civil war that road has been closed, but it is now open to traffic. The danger of bandit raids along that road may, however, result in it being temporarily closed to civilian traffic for shortish periods.

For security reasons, the delegation was advised not to visit the markets in Mogadishu. On its various trips, however, the delegation could see considerable market trading at many points in the city and there was extensive traffic, including donkey carts, minibuses, buses, private cars, lorries, taxis and what are known as "technicals". However, nearly all motor vehicles, apart from "technicals", were in very poor condition.

In northern Mogadishu, up to about five months ago, taxation was imposed on markets. According to Madiina Amburey, Head of the USC/SSA Shibis District Women's Group, representatives of the Sharia court each morning collected taxes in market places. Only smallish sums were involved, the taxes being used to maintain USC/SSA militias.

The difficult economic situation and widespread unemployment in Mogadishu were pointed to by the authorities and others at all of the delegation's meetings in Mogadishu.

5. POLITICAL AND ADMINISTRATIVE SURVEY

5.1. Clan-based political division of Mogadishu

As the largest city in the country, Mogadishu is home to Somalia's major clan alliances, meaning particularly factions within the Hawiye movement, the United Somali Congress (USC). The two really dominant factions within the USC are Ali Mahdi's clan grouping, the Somali Salvation Alliance (SSA), and Hussein Aideed's Somali National Alliance (SNA). Those two movements have for much of the civil war been engaged in armed fighting with each other. During the war, further splinter groups have emerged within those movements. The most significant split came within the SNA, when in June 1995 Hussein Aideed's ally and financial backer, Osman Atto, broke off the alliance with Aideed and to some extent aligned himself with Ali Mahdi. Much of the clan fighting in Mogadishu in recent years has in fact been between Osman Atto's and Aideed's SNA militias. Both men belong to the Hawiye clan of Habr Gedir, while Ali Mahdi is from the Hawiye clan of Abgal.

The UNDP states in its Situation Report for the period 1 March to 30 April 1997 that the political reconciliation process in the Benadir region is showing signs of progress. Since Ali Mahdi and Aideed met in Nairobi in March 1997, further reconciliation meetings have been held between Osman Atto and Aideed in Sana'a, Yemen, and between Ali Mahdi and Aideed in Cairo, Egypt. The UNDP Situation Report for the period 1 May to 30 June 1997 adds that: "Key figures in the national reconciliation process continued to meet outside Somalia during the period, resulting in a number of positive declarations toward peace and reconciliation". See also section 7 on peace and reconciliation moves.

Mogadishu is now divided into a number of clan-based administrative units, each dominated by its own clan faction. The main areas are headed by Hussein Aideed (USC/SNA), Ali Mahdi (USC/SSA), Osman Atto (USC/SNA) and Musa Sude (USC/SSA) respectively. It should be pointed out that Hussein Aideed and Osman Atto represent different factions of the SNA. Annex 2 shows the clan-based political division of Mogadishu as of June 1997. The survey is based on information obtained during the delegation's visit to Mogadishu. It should be noted that several sources found it difficult to pinpoint the "Green Line" with any precision as Somalis commonly have difficulty in finding their bearings on a map.

5.1.1. Hussein Mohamed Aideed (USC/SNA) and southern Mogadishu

The delegation met representatives of Hussein Aideed's administration in southern Mogadishu. The meeting was attended by Aideed's Minister for Justice, Hussein Abdulle Allasow, by Mohammed A. Alim, Ambassador, Permanent Secretary, Ministry of Foreign Affairs, by Yassin Ali Dirshe, Chief of Staff to the President of the Republic, and by Hassan Said, Representative of the USC/SNA in Sweden.

According to the Minister for Justice, Hussein Abdulle Allasow, the father of the current President, Hussein Aideed, who was General Mohammed Farah Aideed, attempted back at the Addis Ababa Conference in March 1993 to form a transitional government in Somalia, but was prevented from doing so by foreign interference. A number of "national conferences" were subsequently held. On 1 November 1994, at the Mogadishu Conference, a government was formed under the leadership of General Aideed, who was elected President of Somalia. Of the 16 clan factions in existence, 15 allegedly supported that government. A Transitional

Charter was also drawn up with the aim of continuing the reconciliation process in the country until all of Somalia was reunited.

According to the same source, the Aideed government intends to continue the reconciliation process and, in his view, the bulk of Somalia's population are behind that process. Only the Somali National Front (SNF) in the Gedo region, the USC faction led by Ali Mahdi in northern Mogadishu and the Egal administration in north-western Somalia (Somaliland) are, according to him, standing aloof from the process.

He pointed out that the present government is a transitional one. It is headed by President Hussein Mohamed Aideed, the son of former "President" Mohamed Farah Aideed, who was shot and killed in July 1996, and consists of a Council of Ministers and six junior Ministers. The government claims to control 12 of Somalia's 18 regions. The Benadir region has a governor with responsibility for its 14 districts. Regional Councillors and District Councillors have been appointed to the local administration. He explained that the administration does not as yet extend to the whole of Mogadishu, since northern Mogadishu is not fully under control.

5.1.2. Ali Mahdi Mohamed (USC/SSA) and northern Mogadishu

Ali Mahdi's USC/SSA controls northern Mogadishu and part of the disputed Bermuda district of southern Mogadishu. His headquarters is located in ex-President Siad Barre's private residence, a building popularly referred to as the "Khadija building". The headquarters of the Sharia court was established in the former Immigration Office, situated right beside the Khadija building, in March 1997.

According to Abdullahi M. Adow, ACF Security Adviser in Mogadishu, since the autumn of 1996 Ali Mahdi's administration has been marked by a political dispute between the administration and the Sharia court. The former Chairman of the Sharia court, Sheikh Ali "Dhere" (known as Sheikh Ali), and Ali Mahdi disagreed about the status of the Sharia court. The court wished to be completely independent of Ali Mahdi, whereas he wanted some control over the court via the USC/SSA. Ali Mahdi found himself under strong pressure, though, in particular from councils of elders in the Benadir region, which wanted to see an independent Sharia court. However, Ali Mahdi feared the political power of the Sharia court, not least Sheikh Ali's political popularity. The dispute was resolved in part in March 1997 and a new Chairman appointed to the Sharia court.

The solution to the political dispute between Ali Mahdi and the Sharia court may not prove a lasting one, since the Sharia court's former Chairman, Sheikh Ali, is at present in Yemen. Should he return home to Mogadishu, problems may surface again. Sheikh Shariff Sheikh Muhidiin (known as Sheikh Shariff) is now Chairman of the court and also Deputy Chairman of the USC/SSA. The political link between the court and the USC/SSA is thus for the time being consolidated. However, there is widespread popular support for Sheikh Ali and, according to the source, his return is looked forward to. Sheikh Ali is currently head of the Islamic courts, while Sheikh Shariff is senior ideological head of Sharia law, a position ranking higher than Sheikh Ali's.

At the delegation's meetings with Dr Hussein Hagi Bood, Deputy Chairman of the USC/SSA and a member of the National Salvation Council (NSC), he explained that the administrative structure in northern Mogadishu consists of the Chairman of the USC/SSA, Ali Mahdi, as overall head. He has a number of Deputy Chairmen under him, who are assisted by an Execu-

tive Committee of 28 Secretaries in all, each with their own portfolio such as education, security, trade, sport, economic affairs, etc.

Hussein Hagi Bood said that the problems between the Sharia court and the USC/SSA administration have now been resolved. He pointed out that he had just come from a meeting with the Sharia court's Chairman, Sheikh Shariff, and advised the delegation preferably to arrange a meeting with the latter.

Hussein Abdi, Interior Secretary for the Benadir region, explained that the region has a regional administration and there is a governor, but he is known as a "Coordinator". Each district of the Benadir region is supervised by its District Council. Overall responsibility for administration of the districts lies with the Interior Secretary. He added that the USC/SSA also has control of the Bermuda district of southern Mogadishu.

5.1.2.1. Sharia court in northern Mogadishu

The delegation met Sheikh Shariff Sheikh Muhidiin, Chairman of the Sharia Administrative Council/Supreme Council for the Application of the Sharia and Deputy Chairman of the USC/SSA in northern Mogadishu. He gave the delegation the following information:

The Sharia court in northern Mogadishu is structured like other Islamic courts abroad, being divided into a civil court and a criminal court. The judicial system is not man-made, but rather based on rules handed down by Allah.

There are Sharia courts in all USC/SSA-administered districts. The courts have a two-tier structure, with rulings appealable before a Court of Appeal, of which there is one for all of northern Mogadishu, including Medina and Bermuda. Should the ruling by the Court of Appeal also be considered unacceptable, the defendant may appeal to a "Revision Court", whose ruling is final.

The Sharia courts work with the courts in the Middle Shabelle and Hiran regions and in Kisimayo. Such cooperation mainly involves various court affairs and training of magistrates and members of the courts. For instance, trainees are sent from those regions to Mogadishu for training in Sharia law. Owing to limited financial resources, however, such training has temporarily come to a halt.

The Sharia court and the USC/SSA-controlled police force cooperate on security matters in Mogadishu. A special unit has been set up, with equipment including "technicals". Such cooperation passes off without any disputes between the USC/SSA and the Sharia court. All Islamic militia forces cooperate on security and act in accordance with Islamic law. The USC/SSA police force in Mogadishu is very small.

The Sharia Administrative Council oversees a total of 16 Islamic courts in Mogadishu, including the Medina and Bermuda districts of southern Mogadishu.

The Sharia courts have made a considerable impact on the security situation in Mogadishu, which has greatly improved since they were established in 1994. Before the establishment of a Sharia court, nobody could move around freely in Mogadishu. Banditry, rape and murder were rife in the city. That state of affairs continued even after the arrival of UN forces and not until the Sharia court was established on 11 August 1994 did security reach an acceptable level. The Sharia court has operated without interruption ever since.

With regard to the political and administrative relationship between the USC/SSA and the Sharia court, the source explained that any problems are peacefully resolved by the will of the people. The lack of any central administration in Mogadishu for seven years has made Sharia law a unifying force, in which people find justice and security. The system is not fundamentalist. There is a political and administrative system and a legal system (Sharia law), but Sharia law is the force uniting people.

5.1.2.2. Ali Mahdi Mohamed (USC/SSA) and the authorities in the Middle Shabelle and Hiran regions

Ali Mahdi's administration has close links with the authorities in Jowhar in the Middle Shabelle region and Beled Weyne in the Hiran region. The governors of those two regions are appointed by Ali Mahdi and are in constant contact with him and with other USC/SSA leaders in Mogadishu.

According to the head of an international aid agency in Mogadishu, this alliance means that there is very little danger of, say, Hussein Aideed's relatively well-trained militia forces attempting to seize outright control of Ali Mahdi-controlled northern Mogadishu. According to the source, Aideed's forces would meet with fierce resistance not only from Ali Mahdi's own forces but also from Somalia's strongest militia force, the Hawadle militia in the Hiran region. The source was convinced that, for that reason alone, Aideed's administration would never try to launch such an assault.

The same source added that in March 1997 Jowhar in the Middle Shabelle region was the scene of armed fighting between two prominent clan families, the Harti and the Daud, both belonging to the Abgal clan. That clash was a reflection of the dispute between the Abgal leader, Ali Mahdi, and the Sharia court in Mogadishu. The former Chairman of the Sharia court, Sheikh Ali "Dhere", belongs to the Abgal clan of Daud, while Ali Mahdi belongs to the Abgal clan of Harti.

Around the same time, the authorities in Jowhar lost control of the police and a number of civilians were killed in the course of disturbances after a football match. According to the UNCT Somalia Monitor for the period 6 to 12 May 1997, because of the deterioration in the political situation in Jowhar, the police have not received pay of any kind in recent months. In early May 1997 policemen looted one of UNICEF's water projects in Jowhar, but shortly afterwards the local authorities were able to return the stolen property. The UN security officer in Jowhar also there reported increased banditry in and outside Jowhar as well as the presence of increasing numbers of arms on the town's streets.

Recent months have also seen armed fighting between families from the Hawadle and Galjael clans in the Mahaday district in the north of the Middle Shabelle region. The UNCT Somalia Monitor for the period 13 to 26 May 1997 states in this connection that tensions between Abgal clans in Jowhar coupled with fighting between the Hawadle and Galjael clans in Mahaday are of significance for the security situation throughout the Middle Shabelle region.

Ahmed M. Mohamud "Washington", Liaison Officer at the EU Somalia Unit in northern Mogadishu, took the view that the problems in Jowhar fully reflect the problems in northern Mogadishu and are not something which has sprung up of its own accord in Jowhar.

The close ties between the authorities in Jowhar and Ali Mahdi in northern Mogadishu brought an improvement in the security situation in Jowhar in mid-June 1997, when the governor of the Middle Shabelle region went to Jowhar along with militia forces belonging to Ali Mahdi for the purpose of putting an end to the conflict between the two Abgal families, according to the UNCT Somalia Monitor for the period 10 to 16 June 1997.

5.1.3. Osman Hassan Ali Atto (USC/SNA) and the Medina/Hodan district of southern Mogadishu

Abdullahi M. Adow, Security Adviser for the NGO Action Contre la Faim (ACF) in Mogadishu, told the delegation that Osman Atto's administration holds a comparatively small area of Mogadishu, all of it situated in southern Mogadishu along the borderline between the Medina and Hodan districts of the city. See the map of Mogadishu in Annex 2. Osman Atto won control of that area from the late General Aideed, the father of the present leader, Hussein Aideed, shortly after UNOSOM left Mogadishu in March 1995. From being Aideed's ally, Osman Atto turned into one of his arch-enemies and fierce fighting has taken place between their militias in Mogadishu since 1995. Following the conclusion of a reconciliation agreement between Aideed and Osman Atto in Sana'a, Yemen, on 28 May 1997, there is reason to hope for a peaceful solution to the conflict.

Osman Atto's area was described by the source as very unsafe and the scene of many fierce clashes between Hussein Aideed's and Osman Atto's militias. Such fighting takes place especially at the northern and southern ends of the area.

Osman Atto is not involved in any kind of conflict with either Musa Sude in the Medina district or Ali Mahdi in northern Mogadishu. The latter are both leading members of the USC/SSA whereas, according to the former speaker of the Parliament under the Siad Barre regime, Mohamed Ibrahim "Liikliikato", Osman Atto belongs to the same clan as Hussein Aideed, the Habr Gedir, but they are from two different subclans. Until the conclusion of the Sana'a agreement in May 1997, a very large part of the fighting in Mogadishu centred on clashes between Aideed and Osman Atto. The two men used to be allies and, as a rich businessman, Osman Atto funded some of Aideed's operations. They were therefore both members of the USC/SNA, which Osman Atto now claims to be his organization following the split with Aideed.

5.1.4. Musa Sude (USC/SSA) and the Medina district of southern Mogadishu

According to Musa Sude, Deputy Chairman of the USC/SSA and head of the Medina district, there was in the past very fierce fighting in that area and, at the time, it was entirely closed to the outside world. The situation has now improved, he said. There was considerable antagonism between him and the late General and former "President" Aideed. He said that, had it been up to General Aideed, Medina would have been politically sidelined, but that did not happen and it was in fact in Medina that Aideed was shot dead in July 1996. Medina is now ready to join a united Mogadishu. He repeatedly pointed to the importance of a unified Mogadishu and the abolition of the "Green Line". Musa Sude belongs to the Abgal clan.

Musa Sude expressed to the delegation his optimism for the future and compared the present situation with conditions a few years ago. He pointed out that there is now a peaceful process under way, involving both politicians and business people. Unlike previously, there is now constant contact between all politicians in Mogadishu and the only thing lacking is a final agreement on reconciliation and the formation of a representative government.

According to Abdullahi M. Adow, Musa Sude belongs to the Abgal clan of Wabudan and is allied with Ali Mahdi's USC/SSA in northern Mogadishu. For the last three months, Musa Sude has actually been living in northern Mogadishu, in spite of "his" Medina district being in southern Mogadishu. The delegation's meeting with Musa Sude was thus held in northern Mogadishu. According to the same source, he is a prominent political leader in Mogadishu and is expected to become a member of any future government to emerge from the planned conference in Bosasso.

The source explained that all Hawadle and Abgal members in the Medina district are free to carry arms, but not members of Aideed's Habr Gedir clan. All clan members, including Habr Gedir members can thus move around freely in the Medina district without any security problems. It is, however, a requirement for the safety of Habr Gedir members that they do not carry arms.

5.2. Other clan administrations

Besides the administrations referred to above, there are a number of minor clan-based enclaves or districts of the city in which individual clans play a dominant part in security and administrative matters. Those areas are small in size and the clans in them are as a rule allied with more powerful administrations.

5.2.1. Murosade and Abgal clans in the Bermuda district of southern Mogadishu

According to Abdullahi M. Adow, the Bermuda district is divided into two parts, controlled by Murosade militias allied with Aideed and by Ali Mahdi's USC/SSA militias respectively. The Murosade leader, Mohamed Qanyare Afrah, used to be allied with Ali Mahdi, but split with him after UNOSOM left Mogadishu in 1995. Since then he has been allied with Aideed. The Murosade now live in the northern part of the Bermuda district. The Bermuda district was described by the source as the scene of many clashes and disturbances.

5.2.2. Murosade clan in the Wardhigley district of southern Mogadishu

According to Abdullahi M. Adow, the Wardhigley district is also home to the Murosade clan. The area is ruled by Abdullahi Moalim and his clan faction, calling itself simply the USC. They have their own independent Sharia court. Moalim's USC is not allied with Aideed or with Ali Mahdi, nor is it in conflict with either of them. This area was described by the source as relatively peaceful. There are also Murosade members living in the Medina district and in northern Mogadishu.

5.2.3. Hawadle clan near Benadir hospital in the Medina district of southern Mogadishu

According to Abdullahi M. Adow, of ACF, there is a Hawadle-based clan faction near Benadir hospital, called the United Somali Congress/Peace Movement (USC/PM). The USC/PM is allied with Ali Mahdi and Musa Sude.

6. SECURITY SITUATION

6.1. General picture

According to several sources in Mogadishu, the most salient security feature in Mogadishu is the "Green Line" in effect dividing the city into two. The line has been fiercely fought over by various USC factions throughout the civil war. The course followed by the "Green Line" has remained almost unchanged over the years, but Mogadishu is now subdivided politically and by clan into a number of zones or districts.

Security conditions therefore vary from place to place according to which militias are in control of the various parts of the city. It is thus hard to comment in general terms on the security situation in Mogadishu, assessment of which depends on location within the city.

It should be noted that the level of security may be uneven for individuals, depending on which clan they are from. The all-important factor here is where a particular clan member is located and whether he belongs to a clan whose members are in a position to afford him the necessary protection. Members of minority groups or clans present only in small numbers in Mogadishu are in greater danger of arbitrary maltreatment than members of clans present in large numbers. This has also proved to be the case with regard to the issue of legal security. For instance, a senior member of staff at the UNDP in Mogadishu said that: "for those belonging to smaller, powerless clans or minority groups there is no legal security at all".

Another general aspect of the security issue, according to Ali Musa Abdi, of *Rapporteurs Sans Frontières*, is the presence of "freelance" militias or outright bandits and gangs. They are not under the authorities' control and in some cases operate at will. There are examples of both common banditry and straightforward acts of revenge. In both cases, innocent people have been killed. Chance, unexplained killings are thus a common occurrence in Mogadishu.

The delegation was able to see for itself that the "Green Line" is crossed by many ordinary people, apparently without any problem. This was confirmed by Hassan Shire Sheikh, Co-Director of the Dr Ismail Jum'ale Human Rights Organization, who said that such traffic takes place daily and is normally no problem.

Market places and street life show no visible signs of the serious security situation, but for the vast majority of the population everyday life is marked by general insecurity and fear of chance atrocities. More prominent figures in Mogadishu only move around the city under escort by armed guards. International NGOs in Mogadishu have also hired a large number of security guards, yet they still occasionally suffer attacks by armed individuals or gangs. Representatives of the foreign press and in some cases also the Somali press are targets for such armed attacks. Foreign nationals are also particularly at risk and the delegation had to be accompanied by a sizeable number of armed guards on its trips in the city.

Shots can frequently be heard around the city and the authorities' ability to uphold security is conspicuous by its absence. The UNDP pointed out in this connection that the relative weakening of the Sharia court's position, in the spring of 1997, has brought a deterioration in the security situation in northern Mogadishu. The UNDP in fact regarded security in southern Mogadishu as now being somewhat better than in northern Mogadishu, a reversal of the situation obtaining as recently as autumn 1996. A serious problem is posed here by the authorities' inability or unwillingness to arrest and convict criminals for their offences.

A journalist in northern Mogadishu considered the Al-Itahad fundamentalist group to pose a serious threat to security not just in Mogadishu but also in other parts of Somalia. Al-Itahad is the only armed fundamentalist group in Somalia and has its stronghold in the north of the Gedo region. It has a regional office in the Kilometre 4 area of southern Mogadishu. The organization uses its Mogadishu office to arrange arms purchasing. Arms are bought, in particular, on the Bakara and Argentina markets. Al-Itahad was regarded as far and away the main customer on those arms markets. No existing militia or police force can prevent Al-Itahad's operations; they are only able to stop individual criminals. Al-Itahad is a well-organized group with considerable financial capacity.

Al-Itahad does not, however, pose any real threat to either Ali Mahdi or Aideed, but foreigners, not least Ethiopians, may on the other hand risk atrocities by Al-Itahad. An example was given of Al-Itahad having killed some Ethiopians in Mogadishu in revenge for Ethiopia's attack on Al-Itahad in the Gedo region the previous year. Two Ethiopian refugees told the delegation of their fear of Al-Itahad in Mogadishu. They said that they had been shot at by Al-Itahad members in Mogadishu. The Dr Ismail Jum'ale Human Rights Organization explained that efforts were being made to help those two Ethiopians, who had fled Ethiopia back in 1992 as their fathers were generals under ex-President Mengistu in Ethiopia.

The journalist cited earlier added that about 80% of Al-Itahad's material support, meaning arms, ammunition, foodstuffs, etc., was derived from operations in Mogadishu. The source regarded growing fundamentalism in Somalia as a serious threat to the achievement of peace in the country. There are other groups which support the establishment of an Islamic state, among them Akhwan Al-Muslimun, i.e. the Muslim brotherhood. However, that organization is not in agreement with Al-Itahad, nor is it an armed group like the latter.

6.2. Northern Mogadishu

According to the Chairman of the Somali Independent Journalists' Union (SIJU) in Mogadishu, Said Bakar Mukhtar, since the introduction of Sharia courts in northern Mogadishu in 1994, security in that area has generally improved in that crime has fallen. However, he did not feel that fall could justify what he described as the courts' failure to uphold legal security.

He added that it is commonplace for civilian clan members to be held responsible by members of other clans for their clan leaders' actions. This he saw as a serious security problem, since ordinary people must be considered just as much at risk as their leaders in the eventuality of clashes.

The previous improvement in the crime situation has, however, come to a halt or actually been reversed as a result of the weakening of the Sharia court's position in early 1997. The rising tide of crime and banditry in northern Mogadishu is said by the UNCT Somalia Monitor for the period 13 to 26 May 1997 to be related to continuing disagreements between Ali Mahdi's administration and supporters of the former Chairman of the Sharia court, Sheikh Ali "Dhere". The general weakening of the Sharia court's authority means that criminal offences often go unpunished.

6.3. Southern Mogadishu

A number of representatives of various UN agencies and NGOs described the security situation in southern Mogadishu as somewhat better than in northern Mogadishu. The same picture emerges from the UNCT Somalia Monitor's security updates for the period May to July 1997. The earlier fierce fighting between Hussein Aideed's and Osman Atto's militias has almost entirely ceased following the conclusion of the Sana'a agreement in Yemen in mid-May 1997. See also section 7 on peace and reconciliation moves.

A senior member of staff at the UNDP in southern Mogadishu was able to report to the delegation, however, that there was shooting more or less every day. While the delegation was in southern Mogadishu at the ACF office near the Kilometre 4 area, i.e. an area in between Hussein Aideed's and Osman Atto's forces, there was in fact fierce firing by heavy weapons in the vicinity and people took cover indoors. The shooting was apparently between a banana company militia and a militia belonging to Osman Atto. The banana company was displeased at the reconciliation agreement concluded by Osman Atto with Hussein Aideed in Sana'a, Yemen.

That UNDP staff member added that from 10 to 30 people a week lose their lives in southern Mogadishu as a result of shootouts between militias, killings, stray bullets or similar causes. Nearly all of the victims are civilians. He made the point that the security situation is seriously affected by jealousies between different clans or communities and by the material misery in the city, sparking off disputes between individuals. He gave examples of people having been murdered for SOS 500, equivalent to less than USD 0,10. Many killings are carried out for the sole purpose of obtaining valuables or food. "In southern Mogadishu, people are hungry and there is no work. People here can turn into murderers just to get a piece of bread", according to the same source.

The UNDP staff member drew attention to a key aspect of the security situation: khat consumption. Khat is expensive, costing from SOS 30 000 to 40 000 a bunch, representing an ordinary day's consumption, a figure equivalent to about USD 6. The poor economic situation, khat consumption and the security situation are thus closely related, with much crime stemming from the need to find money for khat. This was one reason why he described the economy of southern Mogadishu as "an economy of plunder", in conditions of utter anarchy. In the same connection he mentioned that extensive looting takes place, since many traders and business people are completely unable to defend themselves or obtain protection from the authorities. In particular, there are many young people who have to live without any kind of regular income, while also being khat users. That group poses a considerable security threat to the city's other inhabitants.

In many places, however, the shortage of police has led market traders and shopkeepers to employ their own militias so as to be able to protect themselves and their valuables. The supposedly Aideed-controlled militias are officially under the authorities' control, but may in practice always carry out "freelance" operations of their own. This gives rise to security problems and there are also many examples of even militias from the same clan clashing with one another. Hussein Aideed's administration basically supplies the militias with food, ammunition, arms, fuel and motor vehicles but, if individual militias are dissatisfied with supplies, they engage in uncontrolled operations, i.e. banditry.

7. PEACE AND RECONCILIATION MOVES

The political leaders of clan factions in Mogadishu and elsewhere in Somalia have in recent months been engaged in a series of peace and reconciliation moves. The most significant of them, according to Philippe Gourdin, of the UNDP in Nairobi, are the meetings in May 1997 between Hussein Mohamed Aideed and Osman Hassan Ali Atto in Sana'a, Yemen, and between Hussein Mohamed Aideed and Ali Mahdi Mohamed in Cairo, Egypt. Both those meetings culminated in specific agreements or joint declarations designed to resolve conflicts in Mogadishu and in Somalia generally by peaceful means. The Yemen agreement, entitled the "Sana'a Joint Declaration", is attached as Annex 5 and the Cairo agreement, entitled the "Cairo Joint Agreement between the two Somali leaders HE Hussein Mohamed Aideed and HE Ali Mahdi Mohamed", is attached as Annex 6.

In addition to those meetings, a major national reconciliation conference is planned in Bosasso, in north-eastern Somalia, in November 1997, to be attended by the vast majority of the Somali clans and minority groups. This conference is a follow-up to the Sodere Conference, completed in January 1997. The Solemn Declaration emerging from that Conference is annexed to the report on the Nordic fact-finding mission to central and southern Somalia from 15 February to 14 March 1997. An account of the Sodere Conference is also given in that report. The objective of the Bosasso Conference is to lay the foundations for the formation of a transitional government for Somalia and to draw up a common platform for that government.

Ahmed M. Mohamud "Washington" (known as "Washington"), Liaison Officer at the European Union Somalia Unit in Mogadishu, considered that critical momentum has now built up behind the peace process in Somalia. He backed this up saying that: "there is a unique situation just now, with some European and Arab countries showing a greater understanding as regards Somalia". At the same time, the population and grass-roots movements have grown tired of the political leaders. The momentum should be used to strengthen the process of reconciliation and peace.

Musa Sude, Deputy Chairman of the USC/SSA, who is a prominent politician in the Medina district of Mogadishu, called for the Scandinavian countries to play a more active part in the Somali peace process. The reason given for his call was that the Scandinavian countries have treated all Somali refugees well during the civil war. He therefore thought that the Scandinavian countries would be able to play a key role in the peace process, there being widespread goodwill towards the Scandinavian countries in Somalia.

Musa Sude expressed optimism regarding the peace process in Mogadishu and in Somalia generally. He described the Sodere Conference in Ethiopia and the reconciliation meetings in Sana'a and in Cairo as marking a watershed, saying that: "there are now signs of peace in the offing and we are at present better equipped than in the past to keep the movement going. Besides international support for the reconciliation process, there are also moves afoot in Somalia itself and especially in Mogadishu to make peace. Even though there is not as yet any final settlement, we are on track for a settlement". He pointed out that many important principles have been accepted by all sides, e.g. the abolition of the "Green Line". In practice the line is still there, but agreement in principle to abolish it is nonetheless important, in his view. He looked forward to all roadblocks in Mogadishu being removed under a prospective peace agreement. Urging the need for a common leadership in Mogadishu, he thought that this would become feasible in the near future.

Reunification of the separate parts of Mogadishu is only possible by unarmed means, according to Musa Sude. He pointed out that the protracted armed conflict had not brought peace or reunification to the city. The crucial point is to keep Somalia together as a nation. He added here that the international community had not recognized the breakaway state of Somaliland and that the overriding aim in Somalia must be to unite the divided country under a common leadership. The meetings in Sana'a and Cairo represent steps in that direction but there is still a long way to go.

Another point made by Musa Sude is that communications between the warring parties are now far better than they used to be. There are telephone lines installed throughout Mogadishu and leading politicians from the various factions are often in touch with one another. "It is therefore easier to break the ice than in the past", said Musa Sude. He also thought that, for instance, grass-roots movements, intellectuals, business people, religious leaders and women's groups have an important part to play in the peace process. They are able to bring pressure to bear on politicians for peace and reconciliation.

This was also highlighted by the Chairman of the Somali Independent Journalists' Union (SIJU), Said Bakar Mukhtar, who pointed in particular to the role of journalists in putting across to politicians the desire for peace. To that end the SIJU has in recent months conducted a campaign among Mogadishu's journalists and newspapers to have them bring home to politicians the peace and reconciliation issue.

While in southern Mogadishu, the delegation met ex-President Siad Barre's speaker of the Parliament, Mohamed Ibrahim "Liikliikato". "Liikliikato" was speaker of the Parliament at the time when Siad Barre left Mogadishu. He is now a prominent figure, whose commitment to political development and the reconciliation process is well-known in Mogadishu.

"Liikliikato" considered that the disintegration of Somalia started back in 1969, as there were then 58 clan-based parties in the country. The situation today could be likened to the situation at that time, since all movements in Somalia were now also based on clan membership. None of those clan movements could be regarded as national movements and it was therefore wrong for the outside world only to be interested in the movements with the greatest military strength. The problem was that no-one took any interest in the country's other clans. Ordinary people wanted a democratic state not based on clans. Power should lie with the people and not with the clan leaders. He rejected the idea that, say, Hussein Aideed or Ali Mahdi could ever become President of Somalia. Outside attempts to resolve the conflict in Somalia had always failed, as the only parties talked to were those holding arms. The fact now was that people had grown tired of the existing leaders and that Ali Mahdi and Hussein Aideed were losing support from their own clan members. Those leaders' attempts to bring about reconciliation were not sincere.

"Liikliikato" pointed out, however, that since the conclusion of the Sana'a reconciliation agreement there has not been any fighting between Aideed and Osman Atto. He thought that a national conference should not as yet set out to establish a transitional government, but rather to bring about reconciliation between clans. Such reconciliation was regarded by him as being all-important in drafting a sustainable constitution.

This process was, in his view, likely to take a long while. In order to shorten that time, international assistance should be provided, including a strong military force capable of putting a stop to the relatively few groups still fighting one another. Those few groups' operations were

helping to destroy all efforts at reconciliation. Both the Cairo and the Sana'a agreements had the backing of Somalia's population. The problem was that, as experience had shown, the leaders failed to honour the agreements to which they had put their names.

"Liikliikato" was critical of former "President" Aideed for his tirades against UNOSOM and the UN as a whole, saying: "It is untrue what Aideed said when he accused the UN of interfering in Somalia's internal affairs; Aideed made a serious mistake on that point".

Khadija Ossoble, Director of the SAACID Voluntary Organization and a prominent peace campaigner (see section 12.1), thought it crucially important for the population to be brought to express their desire for peace in Mogadishu. She and others have therefore set to work on developing cooperation between the Somali Olympic Committee, the journalists' union, various women's groups and a number of other committees. Like Ahmed M. Mohamud "Washington", Liaison Officer at the EU Somalia Unit in Mogadishu, Khadija Ossoble also thought that there was a momentum going just now which should be turned to advantage. That momentum has arisen as politicians in Mogadishu have now realized that there are other prominent politicians in Somalia who have handled the reconciliation process better than they themselves were able to. They therefore feel under pressure, since there are now competent political leaders elsewhere in the country and not just in Mogadishu. Grass-roots movements have also taken on importance in the peace process. Khadija Ossoble's SAACID Voluntary Organization is therefore busy drumming up support among, for instance, business people in Mogadishu for peace. They now want peace as a large proportion of their profits are being taken up by security measures. They are therefore likely to support a longer-term peace process. She complained that many business people took a passive attitude to the conflicts during the civil war and that they failed to participate in political processes.

Time and the economy are key factors for a lasting peace. Khadija Ossoble pointed to the importance of grass-roots movements in the peace process and criticized Somali politicians for the many meetings held abroad rather than in Somalia. The outside world cannot save Somalia from war; only Somalis themselves can do so. Even political meetings can be difficult to arrange as some people may not attend such meetings for economic reasons. Many forgo earnings during the often lengthy meetings and travel expenses impose a financial burden.

There is, however, a need for economic aid from abroad. Khadija Ossoble saw peace and development as going hand in hand. The unemployed have to be trained, education is required as regards women's rights and conflict resolution and, last but not least, a basis should be established for Somali women to be better able to participate in politics. Khadija Ossoble pointed out that many Somali women have in fact become stronger during the war. She explained this by saying that they have gained greater responsibility for their own lives and often been left to bring up children on their own. She emphasized, however, that many women are still politically marginalized. For instance, there are no women magistrates and there is still great resistance to women in politics and administration. The entire sector classifiable as the small-scale economy is nowadays dominated by women. Larger-scale economic activities are as a rule male-dominated, but there are nevertheless examples of businesswomen with many employees and considerable economic strength.

8. HUMANITARIAN SITUATION

The humanitarian situation in Mogadishu is marked by the difficult economic conditions and widespread unemployment. This state of affairs has a considerable impact on security in the city, with uncontrolled militia operations, bandit raids and widely held arms.

Madiina Amburey, Head of the USC/SSA Shibis District Women's Group in northern Mogadishu, explained that unemployment, the extensive destruction in the city and poor electricity and water supplies make everyday life very difficult for most people. She pointed out that, as things now stand, relatives cannot automatically be counted on to be able to help members of their families having difficulty in making ends meet.

The delegation did not have a chance to visit any hospitals or schools while in Mogadishu, but Madiina Amburey was able to report that there are Koranic schools in the city as well as two primary schools. Those two schools receive assistance from Egypt. There are also hospitals in both northern and southern Mogadishu.

At the delegation's meeting with ACF representatives in northern Mogadishu, it was told that ACF's feeding centres provided food for about 5 000 children throughout Mogadishu. ACF added that no signs of starvation had been observed among the city's inhabitants.

The Chairman of the SIJU, Said Bakar Mukhtar, told the delegation that many Somalis from Mogadishu have left the country on account of both economic and security conditions. There are almost no opportunities for training or employment and he saw the adverse security situation and poor employment opportunities as the reason why it is hard to persuade Somalis abroad to return home. He pointed out that Somalis are in general fairly patriotic and would like to remain in Somalia. Many have therefore also gone to, for instance, Bosasso in north-eastern Somalia in search of employment and more peaceful conditions there. Most intellectuals left Somalia long ago and do not want to return home until there is finally peace in the country.

With regard to Somalis who worked for UNOSOM during the civil war, Said Bakar Mukhtar said that they are often believed to own large sums of money and as a result may risk extortion or robbery. He made the point, though, that they have never suffered ill-treatment merely for having worked for UNOSOM.

Musa Sude, of the USC/SSA, said it was realized that Somali refugees in Europe place a financial burden on European countries. He pointed out, however, that we should regard assistance for those refugees as assistance for Somalia. Some of the aid to refugees in Europe is passed on to relatives in Somalia, who are in that way helped to survive back home. Musa Sude would like to see this continue for a while longer as people in Somalia are now doing their best to establish a lasting peace, so that refugees can return as well. The reasons for which people seek asylum abroad are, in his view, still legitimate as the internal problems still persist. He was convinced that, if the requirements for peace in Somalia are fulfilled, refugees will return of their own accord.

Like Said Bakar Mukhtar, Musa Sude stated that Somalis do not want to stay abroad and are merely waiting until conditions are right for them to return home. He added that the general impression of our mission to Mogadishu was that the immigration authorities in Scandinavia planned to send all Somalis home. It should be noted that the mission to Mogadishu was men-

tioned in the city's newspapers a number of times, the story line being repatriation of Somalis from Scandinavia.

9. MASS MEDIA

The Chairman of the Somali Independent Journalists' Union (SIJU), Said Bakar Mukhtar, said that the SIJU has 217 members. It has recruited its members mainly from Mogadishu but also has members in Kismayo, Galkayo, Bosasso and Hargeisa.

Said Bakar Mukhtar described the press in Somalia to the delegation as "alive and well", adding that there are 19 newspapers in Mogadishu and a total of 39 in Somalia. Of Mogadishu's newspapers, 17 are privately owned. *Geska Afrika* is an Aideed-owned newspaper, while the *Somaliland News* is Egal-owned. The newspapers reflect various shades of opinion and many address human rights issues.

Said Bakar Mukhtar supplied the following information concerning the newspapers with the largest circulation in Mogadishu:

- *Dadka*: a religious newspaper from southern Mogadishu. The paper is fundamentalist and belongs to the Al-Isla movement. It was founded in 1994.
- *Mogadishu Times*: a well-informed newspaper which is about six months old. It writes stories to order for money, i.e. is corrupt and was described as engaging in "yellow journalism". The paper is from northern Mogadishu.
- *Benadir*: a newspaper only four months old from northern Mogadishu. It is politically independent and airs differing political views.
- *Xog-Ogaal*: from southern Mogadishu. A serious, politically independent newspaper, founded back in 1991. It carries news from all of Somalia.
- *Ayaamaha*: a politically independent newspaper from southern Mogadishu. Established in 1994.
- *Qaran*: politically independent. From southern Mogadishu and established in 1991. The oldest of Mogadishu's newspapers.

Other well-known newspapers in Mogadishu include *Xiddigta Panorama*, *Waayeel*, *Towfiiq*, *Danjire*, *Yobsan* and *Al-Wadan*. Most newspapers appear daily, with a circulation averaging between 700 and 800. Newspapers are extensively passed on among the readership and Said Bakar Mukhtar believed some newspapers to be read by or their contents be known to tens of thousands of people in Mogadishu. He pointed to the importance of newspapers in shaping opinion in Mogadishu.

The price of a newspaper is SOS 1 500. All are printed in A4 format with six to eight pages. Several of the newspapers listed wrote articles about the Nordic mission while the delegation was in Mogadishu.

Said Bakar Mukhtar said that the German NGO Diakonia has promised the SIJU a printing press. He hopes that this will make it possible to produce a nationwide newspaper.

There are eight radio stations in Somalia. Seven of them belong to various clan factions and one is religious, as well as being a mouthpiece for Hussein Aideed. The SIJU has plans to set up a radio station itself.

Khadija Ossoble, Director of the SAACID Voluntary Organization and a peace campaigner, criticized sections of the press in Mogadishu for rumour-mongering and stirring up trouble. The press is keen to sell a good story and lacks any code of conduct to curb that proclivity.

10. HUMAN RIGHTS ORGANIZATIONS, ETC.

10.1. Introduction

Protection of fundamental human rights is left to a number of local or regional authorities in Somalia and also in Mogadishu. The sway held by those authorities is in many cases based on control of local militias, courts and police. In Mogadishu that control is at best incomplete and at worst non-existent, depending upon location within the city.

There are, however, a number of local human rights organizations, associations and minority groups attempting under very trying conditions to uphold the right of the individual to protection against ill-treatment; their concerns include the position of women and children, legal security, freedom of the press, freedom of expression, freedom of movement, freedom of witness and the position of minorities and refugees.

Acting on the advice of the UNDP and NGOs in Mogadishu, the delegation met representatives of some of the best-known and most influential of those organizations:

- the Dr Ismail Jum'ale Human Rights Organization;
- the Somali Network for Prevention of and Protection against Child Abuse and Neglect (SONPPCAN);
- the Committee for the Rights of Somali Refugees in the World;
- the Somali Peace Line (SPL);
- the Somali Independent Journalists' Union (SIJU);
- the Somali African Muki Organization (SAMO).

10.2. Dr Ismail Jum'ale Human Rights Organization

The Dr Ismail Jum'ale Human Rights Organization is to be regarded as one of the most influential of the organizations in question. The delegation held a number of meetings at its office. At those meetings representatives of several of the other human rights organizations were present. The organization is particularly active and has its office in the residence of the internationally known champion of human rights, the late Dr Ismail Jum'ale, in the Shingani district of central Mogadishu. The organization was founded on 22 July 1996 and in its short life has already engaged in a whole string of notable activities in the cause of protection of human rights in Somalia. See the organization's introduction to itself in Annex 7.

The delegation held two meetings with the Co-Directors of the Dr Ismail Jum'ale Human Rights Organization, Lady Mariam Hussein Mohamed and Dr Hassan Shire Sheikh, and with others working for the organization. Hassan Shire Sheikh told the delegation that the organization has never made use of armed guards, either at its office or whilst going about its business in Mogadishu. It does not recognize the "Green Line" or any other administrative subdivisions of the city and operates throughout the capital regardless of existing authorities or clan patterns. The Dr Ismail Jum'ale Human Rights Organization publishes a monthly Somali human rights report, entitled "Haddilayaabay", as well as an abridged English-language version, entitled "Human Rights Monthly Report".

The point was made by Hassan Shire Sheikh that no-one working for the Dr Ismail Jum'ale Human Rights Organization has suffered any violence at the hands of either the authorities or uncontrolled militias, despite the fact that members of the organization have conducted a series of public campaigns, such as the distribution leaflets protesting at the courts' failure to observe principles of legal security and holding the powers that be, including both Ali Mahdi's and Hussein Aideed's administrations, responsible for such abuses.

It was added that the Dr Ismail Jum'ale Human Rights Organization is working with representatives of a number of minority communities in Mogadishu.

10.3. Somali Network for Prevention of and Protection against Child Abuse and Neglect

Professor Beshir Haji Yusuf, Chairman of the Somali Network for Prevention of and Protection against Child Abuse and Neglect (SONPPCAN), said that the organization is mainly involved in upholding the rights of abandoned children, including street children and abducted children.

10.4. Committee for the Rights of Somali Refugees in the World

Abdirahman Huseen Abu Hamza, Attorney, Chairman of the Committee for the Rights of Somali Refugees in the World, said that the Committee keeps track of how Somali refugees are treated abroad and is in touch with refugees abroad, especially in countries in which they are thought to face wrongful or dubious treatment. In a number of cases the Committee has made representations directly to the authorities responsible in host countries. A synopsis of the Committee's structure and activities for 1996-1997 is attached as Annex 8.

10.5. Somali Peace Line

According to its spokesman, Professor Yusuf Sido Hassan, the Somali Peace Line (SPL) has its head office in Paris, France. The SPL works especially on bringing the various clans and clan leaders in Somalia to the negotiating table in order to establish peace and reconciliation in the country. It has set up an office in Mogadishu for the purpose. Yusuf Sido Hassan said that the SPL wholeheartedly supports the conclusion of the reconciliation agreement between Hussein Mohamed Aideed and Osman Atto on 12 May 1997 in Sana'a, Yemen, and of the reconciliation agreement between Ali Mahdi Mohamed and Hussein Mohamed Aideed on 27 and 28 May 1997 in Cairo, Egypt.

10.6. Somali Independent Journalists' Union

According to its Chairman, Said Bakar Mukhtar, the Somali Independent Journalists' Union (SIJU) is a trade union for the country's journalists, but also acts as peace and human rights movement. Two months ago the SIJU launched a peace campaign in the Somali press. The purpose of the campaign is to force politicians and other Somali leaders to address peace and human rights issues in the Somali media. Said Bakar Mukhtar made the point that the SIJU's campaign has been successful in bringing such issues out into political debate to a greater extent than hitherto. He put the SIJU's objectives as follows: "Promotion of freedom of the press and of expression and to protect Somali journalists and serve their interests". The SIJU engages in close cooperation with the Dr Ismail Jum'ale Human Rights Organization and has in several instances been successful in securing the release of kidnap victims. In a number of cases involving human rights violations, the SIJU has sent public letters of protest to the authorities in both northern and southern Mogadishu.

10.7. Somali African Muki Organization

The Somali African Muki Organization (SAMO) is a political minority organization involved especially in defending the interests of the Bantu community in Somalia. According to Dr Ibrahim Mohamed Dirrie, spokesman for the SAMO Executive Committee in Mogadishu, the SAMO represents all Bantu communities in Somalia. He pointed out that the SAMO does not take sides in the conflict between Hussein Aideed and Ali Mahdi, but it is a co-signatory of the Sodere agreement and a member of the Somali Salvation Alliance (SSA) clan grouping headed by Ali Mahdi. The SAMO opened its office in Mogadishu in 1993.

11. HUMAN RIGHTS SITUATION

11.1. Freedom of expression

According to the AFP correspondent, Ali Musa Abdi, and the Chairman of the Somali Independent Journalists' Union (SIJU), Said Bakar Mukhtar, as well as the Dr Ismail Jum'ale Human Rights Organization, there is in principle freedom of expression generally in Somalia, including Mogadishu.

One factor which may serve to restrict freedom of expression, however, according to the above sources, is threats or acts of violence against representatives of the press by some militias. Both foreign correspondents and local journalists in Mogadishu have been the target of such attacks. For instance, the editor of the Mogadishu Times and two of his female colleagues were attacked by armed militiamen in Mogadishu on 30 May 1997. His two colleagues sustained wounds. The perpetrators were unidentified.

Said Bakar Mukhtar regarded the greatest danger to freedom of expression and of opinion as coming from verbal threats, corruption, kidnapping and outright violence. He explained that Somali journalists working for foreign radio and television stations are especially at risk of such abuses. There are a total of eight Somali journalists in Mogadishu working for foreign media, as well as a few in Kismayo, Bosasso and Hargeisa. Since Siad Barre was ousted in January 1991, a total of 46 journalists and media people have been killed in Somalia. Seven of them were foreign nationals.

A journalist in Mogadishu, however, said that freedom of expression does not in practice extend to the work of the Sharia court. According to its Co-Director, Dr Hassan Shire Sheikh, though, the Dr Ismail Jum'ale Human Rights Organization has been able to voice public criticism of the Sharia court's operation unhindered, without incurring any consequences for either the organization or its members. See section 11.5 on legal security.

The introduction of the Sharia court in northern Mogadishu has, according to the source, resulted in a number of arrests of journalists, including the editor of the newspaper *Sana*. A representative of journalists in Mogadishu approached the Chairman of the Sharia court in person, stating that he would contact international human rights organizations about the case if the editor was not released. Shortly afterwards the editor was set free.

The same source added that the BBC's correspondent can no longer stay in northern Mogadishu, on account of a death threat from a militia leader in the area. An Italian journalist, Ilaria Alpi, was killed by a militia force in northern Mogadishu in 1994. To sum up, the source said that it may be risky for journalists to criticize the Sharia court, but it is no longer directly life-threatening. The source pointed out that virtually all newspapers in Mogadishu always in fact report the Sharia court's rulings and any executions. Sharia court rulings are publicly discussed among the population and any criticism is openly aired.

Said Bakar Mukhtar reported that political debate in northern Mogadishu is now conducted completely freely and everyone can discuss both Ali Mahdi's policy and the religious leaders' activities. He instanced the fact that Ali Mahdi's meeting with Aideed in Cairo and the agreement between the two leaders are a common topic of conversation in public places. Many people take the view that Ali Mahdi sold out to Aideed in concluding the agreement and such criticism can be levelled in public without risking any consequences.

11.2. Freedom of witness

Hassan Shire Sheikh, of the Dr Ismail Jum'ale Human Rights Organization, explained that there is a smallish Christian community in Mogadishu. That group works with and receives assistance from his organization. According to Hassan Shire Sheikh, Christians cannot meet to worship without risking persecution. They therefore only meet privately in secret. Up until the introduction of the Sharia court in 1993, on the other hand, Christians could meet in public and practise their religion without any great problem.

A journalist in northern Mogadishu confirmed to the delegation that Christians in Mogadishu are restricted in professing their faith. The Sharia court, according to that journalist, regards it as a criminal offence for Christians to meet in collective worship. In January 1996 the former Chairman of the Sharia court, Sheikh Ali Sheikh Mohamed "Dhere", prohibited Christians in Mogadishu from celebrating Christmas and the New Year. The ban was publicly proclaimed. Sheikh Ali no longer holds that powerful position as Chairman of the Sharia court. The source believes that there are only a few hundred Christians in Mogadishu and there was no reaction from the city's inhabitants to Sheikh Ali's ban in 1996.

The journalist in question further explained that the Christians in Mogadishu are generally very poor. This, together with their limited numbers, leaves them completely defenceless against any ill-treatment. The Christians do not belong to any particular clan, but rather come from a number of clans. Like all other clan members, they will automatically seek protection from their fellow clansmen in the event of security problems. As non-Muslims, however, they

would hardly be able to find the necessary protection and the journalist added that the people concerned are so poor that he could not imagine them being able to seek asylum abroad.

According to the same source, in the past, members of the Islamic organization Al-Itihad could not publicly disclose their membership of the organization without risking persecution. Nowadays, however, this does not involve any risk. There has been some animosity between Al-Itihad, on the one hand, and the Sharia court and Ali Mahdi, on the other.

The founder of the Sharia court in northern Mogadishu, the religious leader Sheikh Abdulkadir "Somo", has in fact described Al-Itihad as a terrorist organization. The USC/SSA leader, Ali Mahdi, can only speak out against Al-Itihad; he has no power to limit its operations or spread.

11.3. Freedom of movement

The Dr Ismail Jum'ale Human Rights Organization said that there is in principle full freedom of movement in Somalia and in Mogadishu, provided no arms are carried. Many of Mogadishu's inhabitants cross the border between Aideed-controlled and Ali Mahdi-controlled Mogadishu, or "Green Line", every day. Members of the Dr Ismail Jum'ale Human Rights Organization also cross the "Green Line" without any problem.

In practice, however, freedom of movement in Mogadishu and in Somalia is restricted by the generally poor security situation. For instance, the road from Mogadishu northwards inland has been closed on numerous occasions. There are also checkpoints at a number of places on the outskirts of Mogadishu, restricting the free flow of traffic. The closed port and airport area of Mogadishu was given as another example of restrictions on freedom of movement.

It should be noted that, during one of its meetings at the Dr Ismail Jum'ale Human Rights Organization's office, the delegation expressed a wish to meet representatives of two organizations, the Somali Network for Prevention of and Protection against Child Abuse and Neglect (SONPPCAN) and the Committee for the Rights of Somali Refugees in the World. Dr Hassan Shire Sheikh said that the heads of those organizations were in southern Mogadishu, on the other side of the "Green Line", but he would try to arrange a meeting with the delegation. About an hour later the delegation was able to meet representatives of both organizations at the Dr Ismail Jum'ale Human Rights Organization's office in northern Mogadishu.

11.4. Freedom of association

According to the Dr Ismail Jum'ale Human Rights Organization, the authorities in Mogadishu do not attempt to prevent various organizations' work in the city. This applies to Mogadishu as a whole. However, limited communications facilities do hamper such organizations' work.

11.5. Legal system and legal security

There is not any national legal system in Somalia, nor in Mogadishu. In northern Mogadishu, in parts of southern Mogadishu and in the Middle Shabelle and Hiran regions and parts of the Gedo region, Sharia courts have been established since 1994. Those courts are based solely on Sharia law. In many other places a mixture has emerged of customary law, Islamic Sharia law and remnants of the former Siad Barre regime's legislation.

The Chairman of the Sharia court in northern Mogadishu told the delegation that a total of five people sentenced to death had been executed over the past year. All had been convicted of banditry. Those executed did not include any women.

Some 15 people convicted had amputations performed under the Sharia court's rulings. Just one woman had a hand amputated as a result of a conviction for theft.

In southern Mogadishu, in north-western Somalia (Somaliland) and in north-eastern Somalia, the former Siad Barre regime's Somali Penal Code is still in use. However, according to the Dr Ismail Jum'ale Human Rights Organization, there are no safeguards in respect of fundamental legal principles, such as the right of appeal or the right of defence.

11.5.1. Southern Mogadishu

A senior member of staff at an international organization in Mogadishu explained that there is no law governing the legal system in the zone controlled by Hussein Aided in southern Mogadishu. The courts there operate along European lines and so are not Sharia courts. Only the Eyl subclan of Habr Aji has established its own Sharia court within the Aided-controlled zone.

The same source stated that any killing of civilians in the course of fighting between militias, whether the militias are under control or not, goes unpunished. The point was also made that there is virtually no legal security for members of smaller and hence powerless clans and members of minority groups in the Aided-controlled zone.

The source explained that even murder and serious crime as a rule go unpunished, since cases are often never brought to court. Only in a few districts do the police have the power to arrest any suspects. The source concluded that the police are not generally able to enforce the law and in only very few areas is there anything like effective policing.

The Minister for Justice in Hussein Aided's government, Hussein Abdulle Allasow, said that his Ministry has responsibility for the justice system and prisons. He pointed out that the judiciary is independent of the government. Only the High Judiciary Council, not the Minister for Justice, can appoint and remove magistrates.

He explained that crime is investigated by the police's Department of Investigation. Where there is sufficient evidence, the suspect will be brought to court.

11.5.2. Northern Mogadishu and the Medina and Bermuda districts of southern Mogadishus

Sharia courts have been established in Northern Mogadishu and the Medina and Bermuda districts of southern Mogadishu. Those courts are in principle controlled by Ali Mahdi's USC/SSA administration but, according to a journalist in Mogadishu, in practice the Supreme Council for the Application of the Sharia and its Chairman, Sheikh Shariff Sheikh Muhidiin, control the Sharia courts. The Supreme Council for the Application of the Sharia thus controls the Supreme Islamic Court, chaired by Sheikh Ali "Dhere". This prompts the source to conclude that Sheikh Ali has in reality no significant power. Sheikh Ali is currently in Saudi Arabia and said to be suffering from tuberculosis. Sheikh Shariff Sheikh Muhidiin himself told the delegation that he is Chairman of the Sharia Administrative Council. The discrepancy may stem from an interpreting error, but Sheikh Shariff can in practice be regarded as holding the top post in charge of the Sharia court. This was confirmed by the Dr Ismail Jum'ale Human Rights Organization, whose Co-Director, Dr Hassan Shire Sheikh, nevertheless stated that the organization in principle holds the authorities in northern Mogadishu, i.e. the USC/SSA, responsible for the Sharia court's operation.

The Co-Director of the Dr Ismail Jum'ale Human Rights Organization, Dr Hassan Shire Sheikh, has in fact levelled public criticism at the Sharia court's practice. A letter of 15 May 1997 from the Dr Ismail Jum'ale Human Rights Organization to the USC/SSA and the Sharia court is attached as Annex 9. The Chairman of the Islamic Justice Committee, Abdurahman Haji Gaal, replied to that letter, responding to the criticism in part. His reply of 24 May 1997 is attached as Annex 10.

Dr Hassan Shire Sheikh briefed the delegation on the Dr Ismail Jum'ale Human Rights Organization's attitude towards the Sharia court. It is not opposed to the Sharia law system as such, but is concerned about the court's ability to give the accused a fair trial. It has its doubts regarding the accused's access to qualified defence counsel and the opportunity for those found guilty to appeal against the conviction. It also deplored the fact that poor criminals, especially, do not enjoy the same legal security as others. Hassan Shire Sheikh said that the Sharia court has been offered free legal assistance. According to a journalist in Mogadishu, however, the Sharia court will not allow a genuine defence in legal proceedings.

That journalist added that the Sharia court prison in Mogadishu is not built as a prison, but installed in a former police station, called Oriental Police Station. The prison is quite small and has no sanitary facilities for prisoners, who are not adequately fed either.

According to the Dr Ismail Jum'ale Human Rights Organization's monthly report for November 1996, there are instances of prisoners having been held without trial for up to a year and a half. Prisoners are expected to be fed by their relatives. The World Food Programme (WFP) has in some cases provided food aid for prisoners.

11.6. Minority groups and small clans

According to the SIJU Chairman, Said Bakar Mukhtar, various minority groups in Mogadishu may risk ill-treatment and killings. He referred here to members of the Marehan clan, which is ex-President Siad Barre's clan. People belonging to clans present in only small numbers in Mogadishu have serious security problems in some parts of the city and may face humiliating treatment, violence or killings.

Madiina Amburey, Head of the USC/SSA Shibis District Women's Group, said that as a rule the Marehan live in Mogadishu under the protection of other clans.

The original population of Mogadishu are the Rer Hamar, also known as the Benadir. The Rer Hamar live mainly in Hamar Weyne and Shingani, but the hostilities in the city led many of the Rer Hamar community to flee Mogadishu for Kenya, in particular, or take up residence elsewhere in the city. The Rer Hamar have not, as a community, been involved in armed fighting. They are chiefly business people and, as an unarmed group, have been victims of the armed militias' ravages in Mogadishu.

Rer Hamar representatives, Omar Adan and Abukan Haji Aweis "Aba Sohor" from the Shingani district of the city, told the delegation that the Rer Hamar live mainly in the districts of Hamar Weyne and Shingani. Shingani was not devastated during the civil war as a result of hostilities, but rather on account of looting. The representatives believed about 70% of the Rer Hamar community to have taken refuge abroad during the war.

Omar Adan and Abukan Haji Aweis "Aba Sohor" reported that the Rer Hamar community feel afraid in Mogadishu. One reason is that they are unarmed, another being that many people believe the Rer Hamar as business people to be well-off and thus in possession of sizeable sums of money. Their homes are therefore constantly being looted, without them being able to do anything to prevent it. They simply dare not raise a finger for fear of being killed. Hence, they do not go to court or take steps to reclaim stolen property. However, according to the representatives, the situation has improved and the militias are acting less harshly. They did nevertheless add that there are instances of people murdering just to get food.

The Midgan community are described by Hassan Shire Sheikh, of the Dr Ismail Jum'ale Human Rights Organization, as educated, well-trained people who live scattered across Mogadishu and not in particular parts of the city. The Midgan have their own clan system. Some of the Midgan attempt to conceal their origins so as not to be looked down upon.

Hassan Shire Sheikh added that the Midgan and also the Tumaal, Jibir, Ayle, Jaji and Yaxar minority groups can be regarded as marginalized. They speak the same language and share the same culture as other Somalis but the Midgan, for instance, have been marked out from other Somalis by the myth put about concerning their departure from Islamic tradition and origins. As has been mentioned, the Midgan have their own clan system but, as allies of Somali clans, they are well-informed about the Somali clan system as a whole. The source made the point that a Midgan would always know with which clan he or she is traditionally allied.

During the Siad Barre era, such minority groups were politically supported by the authorities and in part freed from "bondage" to the ruling Somali clans. Many were integrated into Siad Barre's administration and armed forces. The Midgan and the above minority groups also tend to be quite well-educated and hold specialist qualifications.

Several of the groups referred to now have their own political parties or platforms. Hassan Shire Sheikh said that members of such minority groups who live in rural areas may risk harassment by members of the Somali clans, but this is not the case in urban areas. Generally speaking, the Midgan and the other groups do not have any particular problem with human rights or security in towns and cities. Moreover, their training qualifications often help them to find work.

It was explained that the Midgan rarely marry non-Midgan members. The Midgan are normally protected by the clan with which they are affiliated. Hassan Shire Sheikh pointed out that virtually all clans in Somalia have affiliated "minority groups", but do not marry into them.

The Dr Ismail Jum'ale Human Rights Organization produced a letter from it to the EU Liaison Officer in Mogadishu, Ahmed M. Mohamud "Washington". The letter describes very violent atrocities committed against the Bantu population in the village of Jameeca Misra, in the Middle Shabelle region, in March 1997. The atrocities apparently took the form of an attack by USC/SSA militiamen. A total of 17 Bantus are said to have been killed as a result of the attack. The letter is attached as Annex 11.

11.7. Women and children

According to Madiina Amburey, Head of the USC/SSA Shibis District Women's Group, women have some difficulty in going into politics or running a shop or other business. Yet examples can be found of businesswomen with very large firms, even. She said that the District Commissioner for the Karaan district of the city is a woman and all district administrations have a women's section. Women, like men, are affected by the widespread unemployment in Mogadishu.

Hassan Shire Sheikh, Co-Director of the Dr Ismail Jum'ale Human Rights Organization, said that about 75% of those killed in the civil war were women and children. Women were also the victims of widespread rape. Madiina Amburey, Head of the USC/SSA Shibis District Women's Group, confirmed the widespread scale of rape and reported that women from all clans faced such atrocities. A child born as a result of rape automatically belongs to the woman since no-one knows who the father is. If the woman is married, the child belongs to her and not to the husband. This basically means that the husband is not responsible for the child's needs and there is therefore a risk of it ending up as a street child. In cases in which a parentless child has close relatives, the child will under normal circumstances be brought up by its uncle, aunt or grandparents.

Some of the children not adopted by relatives end up on the streets or find a place at one of the children's homes run by local NGOs. Hassan Shire Sheikh believed there to be a few thousand homeless children at those children's homes.

According to Madiina Amburey, problems for street children arise at the age of eight, from which point they are in great danger of lapsing into crime and/or drug addiction. No figure could be put on the number of street children, since no survey of the scale of the problem has ever been carried out. Hassan Shire Sheikh said that many street children are regarded as outlaws and they therefore risk maltreatment.

Another threat faced by children in Somalia nowadays is kidnapping. Beshir Haji Yusuf, of the Somali Network for Prevention of and Protection against Child Abuse and Neglect (SONPPCAN), said that his organization knows of children having been kidnapped in Somalia and taken to Mogadishu to be sent to Europe, in particular Italy, where there are examples of them having ended up as, for instance, illegally adopted children. According to SONPPCAN, this is engaged in as an organized business, with the children being provided with false papers. In some cases, from USD 20 000 to 30 000 are paid for a kidnapped child. SONPPCAN had approached Interpol about such cases but never received any reply.

According to Beshir Haji Yusuf, children have also been abducted to Italy in particular. He explained that Somali agents and Somali criminals abroad arrange such abductions. However, he also knew of cases in which parents themselves sent their children out of the country to get them to safety or enable them to enjoy better living conditions.

It was also pointed out that even quite young children are put to work. Beshir Haji Yusuf said that children aged ten or eleven are employed as staff in rich private homes. This is also the case for children of poor parents among the Somali clans. In the Bantu community it is common for children to be sent away to work for strangers.

Mogadishu's prostitutes come mainly from the Rer Hamar and Bantu communities. Representatives of the Rer Hamar community believed about a quarter of the prostitutes to be Rer Hamar, the remainder Bantus and only a few from the Somali clans.

According to the same source, seven prostitutes were recently arrested in Mogadishu and all given a flogging. It was pointed out, however, that the Sharia court does not at present have the capacity to carry out an actual police raid on, say, Hamar Weyne in order to arrest prostitutes. The Dr Ismail Jum'ale Human Rights Organization helps some of the prostitutes to escape from prostitution. There are believed to be only about 80 prostitutes in Mogadishu.

Professor Beshir Haji Yusuf, of SONPPCAN, stated that there are cases of young girls having been forced by their family to marry much older men. The girls have in many cases run away from their husbands and cannot return home. He said that such girls are in imminent danger of lapsing into prostitution.

12. REPATRIATION CONDITIONS

12.1. Authorities and human rights organizations, etc.

Several sources in Mogadishu wanted our immigration authorities generally not to expel Somalis to Somalia by force until there was an established government in the country.

At its meeting with the delegation, however, the Dr Ismail Jum'ale Human Rights Organization voiced the hope that more Somalis abroad would return to Somalia. It said that as many as 95% of those who had at the time signed a joint letter of condolence upon the death in July 1990 of Dr Ismail Jum'ale Ossoble, from whom the organization took its name, were now living abroad. This was thus regarded as a serious brain-drain, posing a threat to the country's stabilization. The wish was therefore expressed that we should give those people an incentive to return home, e.g. by means of assistance in setting up small-scale craft or industrial businesses. It was pointed out that employment opportunities are at present very poor in Mogadishu.

The Dr Ismail Jum'ale Human Rights Organization defined various parts of Somalia as "crisis areas" or as "recovering areas". The point was made that Mogadishu is now regarded as a recovering area. Enforced expulsion to recovering areas might be justifiable, but people should not be expelled to crisis areas. An example given of a crisis area was the north of the Gedo region, especially Dolo and Luuq. The rest of Somalia was basically regarded as comprising recovering areas.

In September 1996 the Dr Ismail Jum'ale Human Rights Organization, together with three other human rights organizations, sent an appeal to a number of international organizations, including the European Union. The appeal, attached as Annex 12, called upon countries already acting as hosts to Somali refugees generally not to carry out enforced expulsions to Somalia as long as there is still insecurity in the country. At the same time, the Somali Aid Coordination Body (SACB) was asked to set aside funds for resettlement and assistance to those wishing to return voluntarily.

Ahmed M. Mohamud "Washington", Liaison Officer at the European Union Somalia Unit in Mogadishu, considered as regards repatriation projects that there is no reason why people coming from urban areas should not individually be supplied with a sum of money to resettle and start a new life generally. In such areas there is unlikely to be any jealousy or unrest springing up between inhabitants and new arrivals where anyone returns home with a sizeable sum of money. That could easily be the case in rural districts, on the other hand, and he therefore advised there implementing small-scale employment or income-creation projects for those repatriated. In general terms he thought that rejected asylum applicants should be offered what he described as a "fresh start" in Somalia.

He made the point that repatriation agreements should never be concluded with faction leaders, which often meant local militia leaders. In many places, administrative structures have been established by UNOSOM, among others. This was often done in great haste, though, and some authorities are therefore politically weak, while elsewhere broad-based authorities work well.

However, he regarded it as an important requirement for both voluntary repatriation and enforced expulsion that the outside world provide active input for the peace process.

Musa Sude, Deputy Chairman of the USC/SSA, showed understanding for host countries' wishes to be able to repatriate refugees and expel rejected asylum seekers to Somalia. He made the point, however, that a very large proportion of families with relatives in our countries are heavily dependent upon the funds remitted to them from abroad. This is particularly the case in Mogadishu, from where many asylum seekers have come to Scandinavia. Assistance will therefore be required both for expellees and for the community to which they return. He made it clear that, in his view, there are still grounds for people to leave Mogadishu and seek asylum abroad. The original grounds still apply, albeit to a far lesser extent than before.

Khadija Ossoble, a prominent attorney in Mogadishu and one of the leading figures in the reconciliation process as well as being Director of the SAACID Voluntary Organization, pointed out to the delegation that the situation in Mogadishu is constantly changing. The risk of atrocities is omnipresent, a fact which may be incomprehensible to many outsiders. For Somalis, however, it is something which they are used to living with and the population considers it almost normal for such atrocities to occur. She deplored that fact, saying that everyone is fearful for their safety. Many members of the smaller clans in Mogadishu are unarmed and can therefore easily fall prey to atrocities. Many people have been killed solely on account of their clan membership.

She also felt that Somalis living abroad, especially intellectuals, could easily come up against antagonism from those who stayed in the country during the war, if they return. Some bitterness is perceptible amongst those who stood up to and braved the violence and atrocities

while others left to live abroad. She added that the people who went to, say, Scandinavia were those who could afford to; those who could not afford to stayed behind in Somalia.

Should Somalis be expelled to Somalia, in Khadija Ossoble's view, this ought to be under specific programmes from which groups of expellees can make a living. More extensive repatriation to a limited area might give rise to some unrest in the area in question.

Abdirahman Huseen Abu Hamza, Attorney, Chairman of the Committee for the Rights of Somali Refugees in the World, expressed to the delegation his gratitude for the way in which the Scandinavian countries have taken in Somali refugees. At the same time, however, he voiced concern at any plans to return them to Somalia. Repatriation should not be carried out until a national government has been formed in the country and a plan should be

drawn up for any expulsions. He presented an appeal, in writing, calling for no Somalis to be repatriated until law and order has been established in Somalia. The appeal is attached as Annex 13.

12.2. UNDP and UNHCR

Further to the delegation's talks with the UNDP in February and March 1997 concerning repatriation and expulsion to Somalia, Philippe Gourdin, Field Operations Officer at the UNDP for Somalia, and Eusebe Hounsokou, Head of Operations for the UNHCR, said that on 6 June 1997 a first meeting had been held concerning the Reintegration Project for Somalia (RPS) pilot scheme.

During the summer, the UNDP and the UNHCR will draw up a repatriation project proposal. For this purpose the two organizations have hired a consultant to look into conditions for integration projects in Somalia. The final proposal is expected to be ready in late August or early September 1997.

The UNDP and the UNHCR proposed that, once the UNDP proposal has been drawn up, a meeting should be held in Geneva, attended by the relevant UN agencies and immigration authorities from countries such as Denmark and Sweden.

According to the UNDP, the repatriation proposal will cover the groups referred to in the Danish and Swedish Immigration Services' report on the Nordic fact-finding mission to central and southern Somalia, Copenhagen, May 1997, i.e. voluntary repatriations, enforced expulsions and criminals. Enforced expulsions do not run counter to the UN's mandate and each individual country is entitled to reach its own decision on the matter. The UNDP sees its job as being to assist our countries in such expulsions: a kind of caretaker role. The UNDP's job will be to look after security matters so that expulsions can be carried out in a reasonable way. This also involves considering what expellees need in order to be able to support themselves and what the local authorities' requirements are in order for them to take in expellees. Such assistance can be supplied by our countries either via the UNDP or directly to the authorities concerned in Somalia.

The point was made that assistance for expellees or returnees should not be confined to the individual, but should also include the host local community. The UNHCR said that a family would be able to manage on about USD 200 a month. The remaining assistance can be supplied to various UN agencies, e.g. the United Nations Volunteers (UNV) programmes.

The UNDP said that whether enforced expulsions or voluntary repatriations are involved is immaterial to the UN.

The UNDP warned of the problems which might arise, should our immigration authorities try to conclude bilateral agreements with the authorities in Somalia on repatriation and expulsion of rejected asylum seekers. It was pointed out that such agreements involve a risk of different immigration authorities being played off against one another and of the various authorities each interpreting agreements in their own way.

The UNDP proposed that the UNDP should itself conclude an operational agreement directly with the relevant authorities in Somalia. It was suggested here that a delegation made up of representatives of our immigration authorities and the UNDP/UNHCR conduct a joint mission to places such as Hargeisa and Bosasso.

The UNDP made the point that it felt fully able to carry out the groundwork in Somalia, being on the spot already in a number of parts of the country and having lengthy experience of dealing with the Somali authorities. In the same connection the UNDP and the UNHCR expressed concern at the IOM's proposals for repatriation to Somalia, since that organization is not at present established in Somalia. Both the UNDP and the UNHCR felt that it would take quite a considerable investment for the IOM to become established in Somalia and thus in a position to perform integration work. The UNDP therefore took the view that any IOM role should be confined to taking charge of expulsions from Europe to Somalia.

Philippe Gourdin, of the UNDP, pointed out that information on what is going on in Somalia is important to Somalis in our countries, not least in the desire to encourage voluntary repatriation. He therefore suggested that briefings be given in, for instance, Denmark and Sweden. The UNDP Field Operations Officer or other relevant figures from the UNDP or the UNHCR would be able at such meetings to brief Somali interest groups and individuals in Denmark and Sweden on conditions in Somalia and on the scope for returning home. At the same time it would be possible to form a general picture of the need for repatriation assistance.

13. DOCUMENT-ISSUING AUTHORITIES

According to Hassan Shire Sheikh, Co-Director of the Dr Ismail Jum'ale Human Rights Organization, the only authorities officially issuing documents or certificates in Mogadishu are the local mosques and the Sharia courts. The Chairman of the Sharia Administrative Council and Deputy Chairman of the USC/SSA, Sheikh Shariff, said that the Sharia Administrative Council controls a total of 16 Sharia courts in northern Mogadishu and the Medina and Bermuda districts of southern Mogadishu. The Sharia courts issue marriage certificates and no other documents or certificates. The authenticity of marriage certificates can thus be checked in some cases, but the point was made that it is not possible to verify a certificate in all cases, since the courts do not always have a copy of the document. Marriage certificates have been issued since the Sharia court was established on 11 August 1994. A marriage certificate is issued by the local sheikh and stamped by the Sharia court. Where the local sheikh is himself a member of the Sharia court, however, he may also himself stamp the marriage certificate.

Hassan Shire Sheikh said that the SOS hospital in Mogadishu sometimes issues birth certificates. The SOS hospital has a commonly used maternity ward. He pointed out that babies born at home are not recorded in any way. There is thus no central register of births in Somalia or in Mogadishu.

Passports and almost all conceivable documents and certificates are, however, unofficially available from two sources: on the Abdalla Shideeya market in Mogadishu and at Eastleigh in Nairobi. Hassan Shire Sheikh explained that it is mainly two people, named Colonel Ghaffow and Colonel Ma'ow, who in Mogadishu issue what he described as "unofficial" documents. Both used to work for President Siad Barre's administration and thus had access to genuine documents. As to whether the original forms are still being used or whether they are copies, he could not say, but he presumed them to be copies of the original forms.

In the light of this, Hassan Shire Sheikh and a number of senior figures working for the Dr Ismail Jum'ale Human Rights Organization made it clear to the delegation that no authority or individual would be able to determine whether a travel document, identity card, marriage certificate, birth certificate or similar document is genuine or not. It was pointed out that all archives and government offices were looted or destroyed during the civil war. There are therefore generally no signed, stamped originals of documents against which to check. Since January 1991 no official documents have been issued in Mogadishu.

14. INDIVIDUALS, ORGANIZATIONS AND AUTHORITIES CONSULTED

Where an individual belongs to a political organization or authority, or where otherwise considered relevant, the location of the organization or authority in northern (N) or southern (S) Mogadishu is stated. In some cases an authority or organization is present or operates in only a limited area of Mogadishu. In that event the part of the city or area in question is given. It should be noted that a number of NGOs, parties and movements operate throughout Mogadishu, i.e. across clan-based political divisions and the "Green Line".

Abdi, Ali Musa, Rapporteurs Sans Frontières (RSF), Correspondent for AFP, ANSA, Al-Hayat, Mogadishu.

Abdi, Hussein, Interior Secretary, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Adan, Omar, Spokesman, Rer Hamar community, Shingani, Mogadishu N.

Adow, Abdullahi M., Security Adviser, Action Contre la Faim (ACF), Somalia Mission, Mogadishu.

Afrah, Asha Aden, Chairwoman, Displaced Women's Association, Mogadishu.

Ali, Khadija Ossoble, Attorney, Director, SAACID Voluntary Organization, Mogadishu.

Alim, Mohamed A., Ambassador, Permanent Secretary, Ministry of Foreign Affairs, Somali Republic, Mogadishu S.

Allasow, Hussein Abdulle, Dr, Minister for Justice, Somali Republic, Mogadishu S.

Amburey, Madiina, Dean, Head of Shibis District Women's Group, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Amir, Yahya, Chief of Staff, Professor, Mogadishu N.

Aweis "Aba Sohor", Abukan Haji, Spokesman, Rer Hamar Community, Shingani, Mogadishu N.

Bood, Hussein Hagi, Dr, Deputy Chairman, United Somali Congress/Somali Salvation Alliance (USC/SSA), National Salvation Council (NSC), Mogadishu N.

Castañer, Miguel, Country Coordinator, Médecins Sans Frontières – Spain (MSF-Spain), Mogadishu N.

Dirrie, Ibrahim Mohamed, Dr, Spokesman of Executive Committee, Somali African Muki Organization (SAMO), Mogadishu N.

Dirshe, Yassin Ali, Chief of Staff to the President of the Republic, Somali Republic, Mogadishu S.

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Fodey, Biniow, Head of Bondere District Women's Group, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Giasti, Mohamed Hassan, Board of Governors, Dr Ismail Jum'ale Human Rights Organization, Mogadishu.

Gourdin, Philippe, Field Operations Officer/Security Officer, United Nations Development Office/United Nations Coordination Unit (UNDP/UNCU), Nairobi.

Hamza, Abdirahman Huseen Abu, Attorney, Chairman, the Committee in Care (the Rights as Victims of Somali Refugees), Committee for the Rights of Somali Refugees in the World, Mogadishu.

Hassan, Yusuf Sido, Professor in International Law, Chairman, Somali Peace Line (SPL), Mogadishu.

Hounsokou, Eusebe, Head of Operations – Somalia, United Nations High Commissioner for Refugees (UNHCR), Nairobi.

Hussen, Ahmed Yussuf, Senior Administrative Assistant, United Nations Development Programme (UNDP), Mogadishu S.

Ibrahim "Liikliikato", Mohamed, former Speaker of the Parliament, Ambassador, General, Somali Democratic Republic, Mogadishu.

Jumale, Habiba Haji, Secretary-General, United Somali Congress/Somali Salvation Alliance (USC/SSA), Women's Group, Mogadishu N.

Mahamoud, Haaji Muhudin, Board of Governors, Dr Ismail Jum'ale Human Rights Organization, Mogadishu.

Mahamoud, Shamsa Abdulle, Chairwomen, Mount Sinai Women's Association, Mogadishu.

Moalim, Zahra Omar, Chairwoman, Alla Magan Relief and Development Organization (AMREDO), Mogadishu.

Mohamed, Mariam Hussein, Co-Director, Dr Ismail Jum'ale Human Rights Organization, Mogadishu.

Mohamud "Washington", Ahmed M., Liaison Officer, European Union Somalia Unit, Mogadishu N.

Mohamud, Faduma Ohmed, Chairwoman, Ardale Relief and Development Organization (ARDO), Mogadishu.

Mukhtar, Said Bakar, Chairman of Somali Independent Journalists' Union (SIJU), Mogadishu.

Muundey, Shiikha, Commerce Secretary, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Nur, Said Ali, Somali African Muki Organization (SAMO), Mogadishu N.

Ossoble, Salad Q., Board of Directors/Governors, Dr Ismail Jum'ale Human Rights Organization, Mogadishu.

Ounnough, Yazid, Logistics Officer, Administrator, Action Contre la Faim (ACF), Somalia Mission, Mogadishu.

Said, Hassan, Representative of Somali National Alliance (SNA) in Sweden, Mogadishu S.

Shamuh, Sports Secretary, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Sheikh Muhidiin, Sheikh Shariff, Chairman, Sharia Administrative Council and Deputy Chairman, United Somali Congress/Somali Salvation Alliance (USC/SSA), Mogadishu N.

Sheikh, Hassan Shire, Dr, Co-Director, Dr Ismail Jum'ale Human Rights Organization, Mogadishu.

Sude, Musa, Deputy Chairman, United Somali Congress/Somali Salvation Alliance (USC/SSA), Medina, Mogadishu S.

Yusuf, Beshir Haji, Professor, Chairman, Somali Network for Prevention of and Protection against Child Abuse and Neglect (SONPPCAN), Mogadishu.

15. FURTHER READING

Amnesty International (AI 1995), *Somalia – building human rights in the disintegrated state*, London, November 1995.

US Department of State (USDS 1997), *Somalia Country Report on Human Rights Practices for 1996*, Washington, 30 January 1997.

Danish Immigration Service (US)/Swedish Immigration Service (SIV) (US/SIV 1997), *Report on the Nordic fact-finding mission to central and southern Somalia*, 15 February to 14 March 1997, Copenhagen, May 1997.

UNDP-Somalia, (UNDP 1997), *From Relief to Development, Situation Report for the Period* (issued periodically), Nairobi.

United Nations (UN 1996), *United Nations Consolidated Inter-Agency Appeal for Somalia, October 1996-December 1997, Vol. One, Joint Programmes and Projects*, New York and Geneva, 1996.

United Nations Coordination Team (UNCT + date), *The UNCT Somalia Monitor, Security Update* (issued periodically), Nairobi.

United Nations High Commissioner for Refugees (UNHCR 1996), *Background Paper on Refugees and Aylum Seekers from Somalia*, Centre for Documentation and Research, Geneva, October 1996.

16. ABBREVIATIONS USED

ACF – Action Contre la Faim

AMREDO – Alla Magan Relief and Development Organization

ARDO – Ardale Relief and Development Organization

IOM – International Organization for Migration

MSF – Médecins Sans Frontières

NGO – Non-governmental organization

NSC – National Salvation Council

PM – Peace Movement

RPS – Reintegration Project for Somalia

RSF – Rapporteurs Sans Frontières

SAMO – Somali African Muki Organization

SIJU – Somali Independent Journalists' Union

SIV – Statens Invandrarverk (the Swedish Immigration Service)

SNA – Somali National Alliance

SNF – Somali National Front

SONPPCAN – Somali Network for Prevention of and Protection against Child Abuse and Neglect

SPL – Somali Peace Line

SSA – Somali Salvation Alliance

UDI – Utlendingsdirektoratet (the Norwegian Immigration Service)

UNCT – United Nations Coordination Team

UNCU – United Nations Coordination Unit

UNDOS – United Nations Development Office for Somalia

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner for Refugees

Nordic fact-finding mission to Mogadishu, Somalia

UNV – United Nations Volunteers

US – Udlændingestyrelsen (the Danish Immigration Service)

USC – United Somali Congress

UVI – Utlänningsverket (the Finnish Immigration Service)

WFP – World Food Programme

17. LIST OF ANNEXES

(Only Annexes 9 and 13 are available electronically)

1. Fax from the UNDP Somalia Country Office to the Danish Immigration Service, dated 20 May 1997.
2. Clan-based political map of Mogadishu.
3. Map of Somalia
4. Survey of clan distribution in districts of Mogadishu.
5. Sana'a Joint Declaration.
6. Cairo Joint Agreement between the two Somali leaders, HE Hussein Mohamed Aide-ed and HE Ali Mahdi Mohamed.
7. Dr Ismail Jum'ale Human Rights Organization.
8. Committee for the Rights of Somali Refugees in the World.
9. Letter from the Dr Ismail Jum'ale Human Rights Organization to the Sharia court, dated 15 May 1997.
10. Letter from the Sharia court to the Dr Ismail Jum'ale Human Rights Organization, dated 24 May 1997.
11. Dr Ismail Jum'ale Human Rights Organization concerning the Jameeca Misra massacre.
12. Appeal from human rights organizations in Somalia.
13. Letter from the Committee in Care (the Rights as Victims of Somali Refugees) to the delegation, dated 3 June 1997.

ANNEX 9

Translated from the Somali

Dr ISMAIL JUM'ALE HUMAN RIGHTS ORGANIZATION

15 May 1997

Ref. No. Dr. I.C.H.R.-0061/97

to: Dr Xuseen Xaaji Maxamed Bood
Chairman of the USC/SSA

for information: Dr Shiikh Shariif Shiikh Muxiyadiin
G/K/X, USC/SSA
Chairman of the Islamic Cultural and Legislative Council

for information: Cadiraxmaan Xaaji Gacal, Attorney
Chairman of the Islamic Justice Committee
Shiikh Xuseen Faarax Hiloowle
Chairman of the Islamic Court of Appeal
Shiikh Nuuradiin Rooble Xuurshow
K/S
Chairman of the Islamic High Court of the Hudud and Qisas
Shiikh Cusmaan Shiikh Huseen (Sariire)
Chairman of the Islamic Court of Appeal
Dr Jacfar Shiikh Maxamuud Maxamed
Director of Public Prosecutions

Dear Sir,

The Dr Ismail Jum'ale Human Rights Organization was officially launched on 22 July 1996. Our founding documents can be consulted under reference No. Dr. I.C.H.R/0006/96 of 22 August 1996, XIGO. The basic principle of our organization is impartiality and not opposing any form of government, including Islamic law.

We are concerned for the legal security of the individual. We think it important for the individual to have his case tried in court in a lawful manner. The court must arrange legal representation. Those concerned must have an opportunity to appeal against any convictions. Legal measures must be taken against militia groups committing crimes.

The Dr Ismail Jum'ale Human Rights Organization wishes to complain at the way in which the Islamic High Court of the Hudud and Qisas (superior penal court) dealt with its first case, on 13 May 1997. The court sentenced six people to imprisonment, including one Qaasim Bashiir Maxamed.

Our organization wishes to comment on the convictions. We consider that those individuals' cases were dealt with in a very inadequate manner, thereby jeopardizing their legal security. This runs counter to the laws and regulations governing the Islamic High Court of the Hudud and Qisas, which came into force on 11 March 1997.

The Dr Ismail Jum'ale Human Rights Organization wishes to take this opportunity to state that our organization will work with the Islamic courts, particularly as regards defence. May the Almighty give us the strength and ability to carry through our task. Another requirement for our action is that the court should provide us with financial resources to defend members of the public before it.

For that reason we would like the Islamic High Court of the Hudud and Qisas to notify us promptly, supplying the papers, of people who have appealed against convictions. Our organization must be given an opportunity to prepare the case before it comes up in court.

GOD WILL PREVAIL

Thanking you for your trust,

Dr Xasan Shire Sheekh

ANNEX 13

The Committee in Care

The Rights as Victims

of Somali Refugees

Mogadishu, Somalia

Ref. 3/97

3 June 1997

An open letter to the delegation from Denmark, Sweden and Norway

We, the committee of the organization for Somali refugees abroad, hereby wish to inform you that the people of Somalia are very grateful for the way in which you have taken in refugees from Somalia.

Regarding repatriation of Somali refugees

We know that most Somali refugees will return to Somalia of their own accord once conditions in the country are back to normal. They sought refuge from warfare and cannot find safety unless a recognized central government is formed which can establish peace and order.

We would therefore suggest that you convey to your authorities that refugees should not be forcibly repatriated. The authorities should wait until the country has a central government which can restore peace and order. Then the Somali Government, host countries and the UN can together plan guidelines for repatriation of Somali refugees.

Yours faithfully,

Committee Chairman

Abdirahman Hussien