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U.S. Department of State

Somalia Country Report on Human Rights Practices for 1996

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SOMALIA

Somalia has been without a recognized central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. Subsequent fighting among rival faction leaders resulted in the killing, dislocation, and starvation of thousands of Somalis and led the United Nations to intervene militarily in 1992.

With the exception of the capital city of Mogadishu and the region outside the provincial city of Baidoa, little serious interclan fighting occurred in 1996. Sporadic fighting continued in parts of the northwest. Although the death of self-proclaimed President Mohammed Farah Aideed in late July prompted his successor and the leaders of rival factions to declare a cease-fire in Mogadishu, this encouraging development was not implemented and failed to speed progress toward national reconciliation. Nonetheless, various intermediaries acting on behalf of the Organization for African Unity and the Arab League persevered in efforts to reconcile the competing factions.

Following "President" Aideed's death, members of his faction selected his son Hussein Farah Aideed as president of the putative national government formed by Aideed in 1995. In the northwest, the breakaway "Republic of Somaliland" continued to proclaim its independence. Neither "government," however, received international recognition. After the withdrawal of the last U.N. Nations peacekeepers in 1995, the persistent absence of a central government prompted citizens in most regions to continue the process of establishing rudimentary local administrations. Most are based on the authority of the predominant clan and faction in the area. These continued to function with varying degrees of effectiveness. Local authority remained contested, however, in the Kismayo area, parts of the northwest,

in Gedo and in Mogadishu. In most regions, the judicial system relies on some combination of traditional and customary justice, Islamic (Shari'a) law, and the pre-1991 penal code.

While Somalia remains desperately poor, the economy continued to improve, especially in comparison with its state during the mass starvation in 1992. However, limited rainfall and continued closure of seaports hindered progress. Relative peace in much of the country, coupled with an increasing level of commercial activity, contributed to this recovery. Annual gross domestic product per capita is estimated at \$600. Livestock and fruit exports continued to expand, although the latter were disrupted by the closure of Mogadishu seaport throughout the year. Factional differences also impeded banana exports through the port of Merca. The country remains chronically deficit in food, however, and some of the most fertile agricultural regions suffered from drought or serious flooding. Lack of employment opportunities caused pockets of malnutrition in Mogadishu and some other communities.

Human rights abuses continued. Many civilian citizens were killed in factional fighting, especially in Mogadishu among the Hussein Aideed, Osman Atto, Ali Madhi, and Musa Sude factions. However, due to the decrease in interclan fighting, there were fewer reported abuses than in previous years. Other key problems remained the lack of political rights in the absence of a central authority, the reliance of some communities on harsh Shari'a punishments, including amputations and stoning, societal discrimination against women, and the mistreatment of women and children, including the nearly universal practice of female genital mutilation (FGM). There is no effective system for the protection of worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political or Other Extrajudicial Killing

Political violence and banditry have been endemic since the 1991 revolt against Siad Barre. Tens of thousands of citizens, mostly noncombatants, have since died in interfactional and interclan fighting (see Section 1.g.).

Although many civilians died as a result of interfactional and interclan fighting during the year, politically motivated extrajudicial murder was less common. Early in January, an anti-Aideed group claimed that pro-Aideed fighters had massacred 18 people in Baidoa. There was no independent confirmation of the report. On March 9, unknown gunmen killed South Mogadishu peace activist Alman Ali Ahmed, apparently for political reasons. In August two Ethiopian businessmen were killed in Galcayo, reportedly in retaliation for the Ethiopian military incursion that took place on August 9-11. In September a businessman allied with opponents of the Aideed Government was shot and killed by pro-Aideed militia.

b. Disappearance

There were no known reports of unresolved politically motivated disappearances, although cases might easily have been concealed among the thousands of returnees, displaced, and war dead. Kidnaping remained a problem, particularly for relief workers and critics of the faction leaders (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of the use of torture by warring militiamen against each other or against civilians.

In North Mogadishu, parts of South Mogadishu, the middle Shabelle, and parts of the Gedo and Hiran regions, Shari'a courts regularly sentence convicted thieves to public lashings, stonings, and less frequently, to the amputation of their hands (see Section i.e.).

Prison conditions varied by region. Conditions at the South Mogadishu Prison, controlled by the Aideed forces, improved markedly after the start in 1995 of visits by international organizations, while conditions at the North Mogadishu Prison controlled by the Shari'a court system deteriorated to the point that prisoners staged a hunger strike starting in early September. The head of the court system promised improvements, but this announcement did not satisfy the prisoners, who continued fasting for several weeks. Conditions elsewhere reportedly were less severe, according to international relief agencies. In many areas, prisoners receive food from family members or relief agencies. The International Committee of the Red Cross (ICRC) delegates were permitted to visit prisons in some parts of the country, as were Western diplomats.

d. Arbitrary Arrest, Detention, or Exile

In the absence of constitutional or other legal protections, Somali factions and armed bandits continued to engage in arbitrary detention, including the kidnaping of international relief workers. In January the Shari'a court arrested 18 supporters of General Aideed in north Mogadishu after they announced the formation of a political organization in support of his claimed government. Some of those arrested also had accepted positions in the Aideed regime. The courts later released the group. On May 3, General Aideed's forces arrested an Islamic court judge as a result of a political dispute.

As in past years, kidnapers continued to target foreigners. Among the most notable incidents were: the March 21 abduction of five U.N. staff members from Bale Dogle airfield; the kidnaping 2 days later in Bosasso of an American relief agency employee; and the seizure of three aid workers in the northwest in mid-May. U.S. citizen Daniel Suther was kidnaped at gunpoint in north Mogadishu on September 17. With assistance from a U.N. security officer and local elders, Suther was released on September 18. In each instance, the victims managed to gain their release, generally within days. One incident took far longer to resolve, the May 25 "arrest" of an Australian pilot by forces loyal to General Aideed. Accused of illegally entering Somali air space, the pilot remained in custody until October. Four Russian pilots detained in the northwest in mid-July regained their freedom after payment of a \$45,000 "fine."

e. Denial of Fair Public Trial

There is no national judicial system. The judiciary in most regions relies on some combination of traditional and customary justice, Islamic (Shari'a) law, and the pre-1991 penal code. Islamic (Shari'a) courts continued to operate in several regions of the country, partially filling the vacuum created by the absence of normal government authority. Shari'a courts traditionally ruled in cases of civil and family law, but their jurisdiction was extended to criminal proceedings in some regions beginning in 1994. In Bosasso and Afmedow, for example, authorities turn criminals over to the families of their victims, who exact blood compensation in keeping with Somali tradition. In the northwest, the so-called Republic of Somaliland continues to use the pre-1991 Somali penal code, pending adoption of a new constitution and related laws. In Bardera courts apply a combination of Islamic Shari'a law and the pre-1991 penal code. In North Mogadishu, a segment of South Mogadishu, the Middle Shabelle, and parts of the Gedo and Hiran regions, court decisions are based solely on Shari'a law.

The right to representation by an attorney and the right to appeal do not exist in those areas applying traditional and customary judicial practices or Shari'a law. These rights are more often respected in regions that continue to apply the pre-1991 penal code.

There were no reports that political prisoners were being held by the various factions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Looting and forced entry into private property continued but at levels reduced from previous years, when large numbers of invading militiamen occupied many urban properties. In January rival factions set fire to the homes of Aideed supporters in central Somalia. In Gedo region, representatives of the local administration seized 163 metric tons of food, office equipment, and other supplies after relief agencies refused to comply with payment demands. In April General Aideed's militia forcibly removed 220 patients, then seized control of Martini Hospital in Mogadishu. The facility subsequently became a military encampment. Also in April, local militia looted a relief agency's offices in Jowhar, prompting the agency to suspend operations.

Most properties that were forcibly occupied during militia campaigns in 1992-93, notably in Mogadishu and the lower Shabelle, remained in the control of persons other than their owners.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Warring factions continued to commit violations of humanitarian law, including the killing of civilian noncombatants. Beginning in early January, sporadic fighting in the Mogadishu area between pro- and anti-Aideed militia led to scores of civilian dead and hundreds wounded. Numerous combatants also lost their lives. Both sides shelled targets located in densely populated neighborhoods and, on several occasions, combatants used hospitals for military positions. Among the most egregious incidents were the shelling in early April of a Mogadishu internally displaced persons' camp, which resulted in at least 16 deaths, and a July incident in which warring factions shelled a soccer stadium. At least three noncombatants were killed. Fourteen civilians were killed when a mortar shell landed on a private house in Mogadishu, also in July. In April Aideed militiamen killed a number of worshipers at a mosque in Mogadishu. Occasional fighting in and around Baidoa in Bay region also claimed a number of noncombatant lives as local militia battled General Aideed's fighters for control of the area. The year ended with the most fierce fighting in Mogadishu since the death of General Aideed. Factional fighting in Mogadishu from December 15 to 19 resulted in 132 known deaths. Another 1,500 persons, according to the ICRC, were hospitalized.

Ethiopian troops entered the Gedo region on August 8 and 9, displacing several hundred thousand civilian citizens, most of whom returned by mid-September. An estimated 300 persons, including combatants, died as a result of the fighting between Ethiopian troops and members of the Islamic fundamentalist group Al-Ittihad Al-Islami. Ethiopian officials believed that members of Al-Ittihad Al-Islami were responsible for a number of terrorist acts inside Ethiopia, including the bombing of several hotels. On December 21, Ethiopian forces reportedly repulsed an attack by Somali-based Al-Ittihad extremists in the Somali border town of Dolo. The Ethiopian government believes that Al-Ittihad Al-Islami forces were assisted by forces loyal to Hussein Aideed's Somali National Alliance. Ethiopian officials claim that 100 attackers were killed with 12 Ethiopian casualties, but these figures could not be confirmed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Most citizens obtain news from foreign news broadcasts, notably the British Broadcasting Corporation, which transmits a daily Somali language program. The major faction leaders in Mogadishu, as well as

the authorities of the Republic of Somaliland, operate small radio stations. The print media consist largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers are nominally independent and are critical of the faction leaders.

In January the head of the North Mogadishu Shari'a courts ordered the arrest of comedians and other actors at public entertainment sanctioned by the area's dominant political leader. Journalists came under threat as well, including an incident in early September when pro-Aideed gunmen briefly besieged several foreign correspondents who were in the city to interview political leaders.

b. Freedom of Peaceful Assembly and Association

Many clans and factions held meetings during the year without incident, albeit usually under tight security. Although citizens are free to assemble in public, the lack of security effectively limits this right in many parts of the country. Few public rallies took place during the year without the sponsorship one of the armed groups.

Some professional groups and local nongovernmental organizations (NGO's) operate as security conditions permit.

c. Freedom of Religion

Somalis are overwhelmingly Sunni Muslim. Local tradition and past law make it a crime to proselytize adherents for any religion except Islam. Some local administrations have made Islam the official religion in their regions, in addition to establishing a judicial system based on Shari'a law (see Section 1.e.). Non-Sunni Muslims are often viewed with suspicion by the Sunni majority. There is strong social pressure to respect Islamic traditions, especially in fundamentalist enclaves such as Luuq, in the Gedo region. There is a small, low-profile, Christian community. So long as they refrain from proselytizing, Christian-based international relief organizations generally operate without interference.

In late April, militia loyal to General Aideed attacked worshipers at the Jumma Mosque in Mogadishu, killing a number of persons and robbing others; their motive remains unclear.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement continued to be restricted in most parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by members of other groups. In the absence of a recognized national government, most citizens lack documents needed for international travel. As security conditions improved in many parts of the country, refugees and internally displaced persons continued to return to their homes. Despite sporadic harassment, including the theft of U.N. High Commissioner for Refugees (UNHCR) food assistance packages by militiamen, repatriation generally took place without incident.

The number of Somali refugees in Kenya dropped to approximately 125,000 by year's end, down from more than 400,000 at the height of the humanitarian crisis in 1992. In Ethiopia, however, the number of Somali refugees remained steady at approximately 275,000. There are 21,000 Somali refugees in Djibouti. As Somalia has no functioning government, there is no policy of first asylum, although in 1996 approximately 560 Ethiopian refugees remained in northwestern Somalia near Hargeisa. The central authorities in northwest Somalia have cooperated with the UNHCR and other humanitarian organizations in assisting refugees, although agreement on the return of refugees to the coastal areas of the Awdal region has still not been reached. There were no reports of forced expulsion of those having a

valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have this right as there is no government. There was no widely supported, effective national government recognized domestically or internationally. In most regions, however, local clan leaders in fact function as rulers. Although many such groups derive their authority from the traditional deference given clan elders, most face opposition of varying strength from political factions and radical Islamic groups. In the northwest, the so-called Republic of Somaliland was endorsed by clan elders in 1991 and 1993 and has since created functional administrative institutions, albeit in only a small portion of the territory it claims to rule. In Kismayo the dominant faction leader seized the town in 1993, but is dependent on elders from several subclans in order to govern the community. Following the death of General Aideed, his supporters selected his son Hussein to succeed him as president of his claimed central government, which effectively exercises its authority in parts of South Mogadishu, Bay Region, and the lower Shabelle. Ali Mahdi and his Abgal subclan supporters, in cooperation with leaders of the Islamic Shari'a courts, function as the governing authorities in North Mogadishu and the middle Shabelle.

Although several women are important behind-the-scenes figures in the various factions, women as a group remain outside the political process. No women hold prominent public positions and few participated in regional reconciliation efforts.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no local human rights organizations active during the year. The ICRC visited prisons in some parts of the country. The U.N. Nations Special Rapporteur on Human Rights visited the country from February 25 to March 10, and prepared a report for the Secretary General; it is to be released in 1997. International humanitarian NGO's and U.N. agencies continued to operate, but the poor security situation limited their activities in some areas.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Societal discrimination against women and widespread abuse of children continued to be serious problems.

Women

Women suffered disproportionately heavily in the civil war and strife that has followed. During the past year, however, there were no reports of systematic attacks on women in connection with the continuing civil strife.

Women are systematically subordinated in the overwhelmingly patriarchal culture. Polygyny is lawful; polyandry is not. Under laws issued by the former government, female children can inherit property, but only half the amount to which their brothers are entitled. Similarly, according to the tradition of blood compensation, those found guilty of the death of a woman must pay only half as much (50 camels) to aggrieved family as they would if the victim were a man (100 camels).

Children

Children remain among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many are members of the marauding gangs known as "Morian."

Female genital mutilation, which is widely condemned by international experts as damaging to physical and mental health, is widely practiced. An independent expert in the field estimates that 98 percent of females have been subjected to it.

People with Disabilities

There were no laws mandating accessibility to public buildings, transportation, or government services for the disabled before the collapse of the state. No functioning government is yet in place that could address these issues.

National/Racial/Ethnic Minorities

More than 80 percent of the people share a common ethnic heritage, religion, and nomadic culture. The largest minority group consists of "Bantu" Somalis, who are descended from slaves brought to the country about 300 years ago. In virtually all areas, the dominant clan excludes members of groups other than itself from effective participation in governing institutions and subjects them to discrimination in employment, judicial proceedings, and access to public services. Members of minority groups are subjected to harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6 Worker Rights

a. The Right of Association

The 1990 constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and shattered the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. Given the extent of Somalia's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions could not function freely in the country.

b. The Right to Organize and Bargain Collectively

Wages and work requirements in traditional Somali culture are largely established by bartering, based on supply, demand, and the influence of the clan from which the worker originates. As during past years, labor disputes sometimes led to the use of force or kidnaping (see also Section 1.d.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Local partners of multinational fruit export firms reportedly used forced labor in some areas of the lower Shabelle.

d. Minimum Age for Employment of Children

Formal employment of children was rare, but youths are commonly employed in herding, agriculture, and household labor from an early age.

e. Acceptable Conditions of Work

There was no organized effort by any of the factions or putative regional administrations to monitor acceptable conditions of work.

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