



## Somalia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2009**

**October 26, 2009**

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

The Transitional Federal Government (TFG) generally did not enforce legal protections of religious freedom. There was a decline in the status of respect for religious freedom during the reporting period, primarily as a result of extremist militias taking control over significant territory in the country.

Militia groups, particularly those associated with the U.S.-designated Foreign Terrorist Organization (FTO) al-Shabaab, often imposed through violence a strict interpretation of Islam on communities under their control. There were also reports that individuals who do not practice Islam experienced discrimination, violence, and detention because of their religious beliefs.

The U.S. Government does not maintain a diplomatic presence, and travel to the country by U.S. government officials is restricted.

#### Section I. Religious Demography

The country has an area of 246,200 square miles and a population of 7 million; however, population figures are difficult to estimate since the last census dates from 1975 and the instability of the country makes precise data collection impossible. A large majority of citizens are Sunni Muslims of a Sufi tradition. There is a very small, extremely low-profile Christian community, and small numbers of followers of other religions. The number of adherents of strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.

#### Section II. Status of Government Respect for Religious Freedom

##### Legal/Policy Framework

The Charter establishes the norms for protecting religious freedom. Article 15 of the Charter states: "All citizens of the Somali Republic...have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex, or political affiliation."

Although the Charter does not possess a section that limits or protects religious practice, article 71(2) decrees that the 1960 Somalia Constitution and other national laws shall apply "in respect of all matters not covered and not inconsistent with this Charter." Article 29 of the Somalia Constitution states: "Every person has the right to freedom of conscience and to freely profess his own religion and to worship it subject to any limitations which may be prescribed by law for the purpose of safeguarding morals, public health, [and] order."

The TFG exercises limited control over most of the country, with the exception of the self-declared Republic of

Somaliland in the northwest, which has its own constitution and legal and policy framework. Somaliland does not recognize the Charter or the transitional process and is seeking recognition as an independent country. The semiautonomous region of Puntland, which does not seek independence, also has its own charter and legal framework.

A political process to establish peace and stability in the country continued as the TFG and the Alliance for the Re-liberation of Somalia (ARS) signed the Djibouti Agreement in August 2008. In January 2009 the TFG and ARS formed a unity government, extended the transitional period by two years, and elected Sharif Sheikh Ahmed as the new TFG president.

The Charter establishes Islam as the national religion. The Constitution and charters governing the various regions provide the right to study and discuss the religion of one's choice. Proselytizing for any religion other than Islam is strictly prohibited, however, and the TFG neither observes nor enforces constitutional provisions guaranteeing the free exercise of religion. Moreover, statutes and regulations provide no effective recourse for violations of religious freedom.

Similarly, Somaliland and Puntland establish Islam as the official religion in their regions. Article 5 (1-2) of the Somaliland Constitution establishes Islam and prohibits the promotion of any other religion. Article 313 of the Somaliland criminal code outlines penalties for Muslims who change their religion. Articles 41 and 82 state that candidates for president, vice president, or the House of Representatives must be Muslim. Article 15 stipulates that Islamic education is compulsory at all levels and that the promotion of Qur'anic schools is the responsibility of the state. The Constitution further states that the laws of the nation shall derive from and not contradict Islam.

The Puntland Constitution guarantees every person the freedom to worship; however, it also states that Muslims cannot renounce their religion. In May 2009 the Puntland cabinet approved a new Constitution; on June 30, 2009, the Puntland parliament approved the Constitution and it went into immediate effect. Article 8 of the new Constitution prohibits propagation of any religion other than Islam. Article 12 states that non-Muslims are free to practice their religion and cannot be forced to convert. However, the same article prohibits Muslims from converting from Islam. Puntland security forces closely monitored religious activities.

On May 10, 2009, the TFG ratified legislation to implement Shari'a law nationwide. In practice, the TFG does not have the capacity or mechanisms to implement the legislation uniformly.

The judiciary in most regions relies on some combination of Shari'a, traditional, and customary law (Xeer), and the penal code of the pre-1991 Siad Barre government. Legal frameworks vary considerably, as each community individually regulates and enforces religious expression, often on an ad hoc basis.

The TFG and regional administrations in Puntland and Somaliland observe Eid al-Fitr, Eid al-Adha, Muharam (Islamic New Year), and Mi'raaj as annual national holidays and Friday as a weekly day of prayer.

The Somaliland Constitution restricts the formation of political parties based on a particular religious group, religious beliefs, or interpretations of religious doctrine. However, the new Puntland Constitution allows the formation of political parties based on religious orientation.

The Ministry of Religious Affairs is authorized to register religious organizations; however, the Ministry has no capacity to conduct registrations.

In Somaliland religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. In Puntland, religious schools and places of worship must receive permission to operate from Puntland's

Ministry of Justice and Religious Affairs.

The TFG and the Somaliland and Puntland administrations permit religious instruction in public schools. Education in all regions is provided primarily by private schools and most offer religious instruction. There is a significant number of externally funded madrassahs throughout the country that provide inexpensive basic education and adhere to conservative Islamic practices. Mogadishu University, the University of East Africa in Bosaso, Puntland, and many secondary schools in Mogadishu are externally funded and administered through organizations affiliated with Al-Islah, an Islamic organization.

#### Restrictions on Religious Freedom

The TFG generally did not enforce legal restrictions or protections concerning religious freedom. There was no change in the status of respect for religious freedom by the TFG during the reporting period.

The TFG engaged in armed conflict with various groups, some of which professed conservative Islamic beliefs, including al-Shabaab and other extremist groups, such as Hisbul Islam.

There were no public places of worship for non-Muslims. Although it is illegal to convert from Islam in Somaliland and Puntland, there were no reported cases of persons punished for doing so. Proselytizing for any religion except Islam was prohibited in Puntland and Somaliland and was effectively blocked by informal societal consensus elsewhere in the country.

#### Abuses of Religious Freedom

On February 19, 2009, Somaliland border officials in Wajaale reportedly detained and assaulted Abdi Welli Ahmed, a Kenyan citizen and Christian convert from Islam, as he tried to cross the border from Ethiopia. The officials reportedly demanded that he recant and confiscated his personal credentials, religious materials, and cash.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

#### Abuses by Rebel or Foreign Forces or Terrorist Organizations

There was active violent conflict among militia groups, the TFG, and the Ethiopian National Defense Forces during the reporting period. Some of the militia groups were aligned with al-Shabaab, which the U.S. Secretary of State designated a FTO in February 2008.

During the reporting period, al-Shabaab militia captured significant territory. In the areas they controlled they systematically closed cinemas, burned kiosks selling the narcotic khat, shaved the hair of persons with western haircuts, ordered women to be fully veiled, instituted total bans on smoking and music, and strictly banned behavior they deemed un-Islamic.

Throughout the reporting period, al-Shabaab destroyed graves of revered Sufi saints, prominent clerics, and members of other religious groups in areas under its control, igniting conflict with the Muslim group Ahlu Sunna wal Jamaa (ASWJ). Al-Shabaab militias killed many prominent leaders from ASWJ in the Galgaduud region.

On May 5, 2009, al-Shabaab destroyed 10 graves in Kamsuma, Lower Juba. On April 16, 2009, al-Shabaab

destroyed close to 100 ancient graves in Kismayo.

On April 16, 2009, al-Shabaab forces in Baidoa arrested 25 youth for walking in town during prayer times. On April 15, 2009, the al-Shabaab administration decreed that all businesses must close during times of prayer or owners would face five days' detention. In the same decree, it required women to be fully veiled in public or risk 12 hours' detention.

On March 19, 2009, al-Shabaab beheaded two clerics from ASWJ in Balad, Middle Shabelle.

On March 1, 2009, the al-Shabaab administration in Merka banned commemoration of the Prophet's birth or Maulid celebrations. A similar ban was enforced in Bardhere, Kismayo, and Hudur. Two persons were killed and four wounded after al-Shabaab militia raided a Bardhere mosque where worshippers congregated for Maulid commemorations. Al-Shabaab arrested 50 Sufi clerics in Barawe, Lower Shabelle region, also for celebrating Maulid. They were later released after a public protest.

On February 21, 2009, al-Shabaab militia, in Yonday Village, beheaded two sons of a Christian leader who refused to give the militia information about another church leader.

On January 16, 2009, the self-proclaimed al-Shabaab administration in Kismayo publicly executed Abdirahman Haji Mohamed, a Lower Juba politician and clan militia leader after accusing him of apostasy and espionage. The Kismayo administration spokesperson said Mohamed was found guilty of deserting Islamic religion and spying for Ethiopian forces.

On October 27, 2008, al-Shabaab militia stoned to death 13-year-old Aisha Ibrahim Duhulow in Kismayo for allegedly committing adultery after she reported that three men raped her.

On September 30, 2008, the al-Shabaab administration in Kismayo destroyed a Roman Catholic church and vowed to build a mosque in its place.

On September 23, 2008, in a village near Baidoa, al-Shabaab militia beheaded Mansuur Mohamed, a humanitarian worker, after they learned he had converted to Christianity in 2005. Al-Shabaab accused Mohamed of apostasy and spying for Ethiopian forces. There were unconfirmed reports from Lower Juba that al-Shabaab militia killed persons who possessed a Bible or who were suspected to have converted to Christianity.

On July 10, 2008, al-Shabaab militia killed Sayid Ali Sheikh Luqman in Afgoe after he reportedly confessed that he was a Christian.

Al-Shabaab administration officials used Shari'a as a tool for authoritarian control. On June 28, 2009, the al-Shabaab administration in Lower Shabelle stoned to death a man found guilty of the May 28 rape and murder of an 18-year-old woman. On June 25, 2009, al-Shabaab militia operating in Mogadishu carried out double amputations on four men convicted of theft by an al-Shabaab Shari'a court. On February 15, 2009, al-Shabaab militia publicly flogged six youth in Baidoa after a Shari'a court found them guilty of drug use. On February 6, 2009, al-Shabaab militia killed Adan Hage for possessing khat.

The TFG attempted to establish security and to limit abuses by opposition militias, with varying degrees of success.

### Section III. Status of Societal Respect for Religious Freedom

Non-Muslims who practiced their religion openly faced occasional societal harassment. Conversion from Islam to

another religion was considered socially unacceptable. Those suspected of conversion faced harassment or even death from members of their community.

There was strong societal pressure to respect traditions that reflect the traditional Somali interpretation of Sunni Islam. Al-Shabaab and affiliated organizations imposed extreme Islamic views and practices on Muslims of moderate orientation. In religiously motivated violence, al-Shabaab destroyed the tombs of revered Sufi clerics and killed clerics, civilians, and government officials of Sufi orientation. In targeted assassinations, members of these extremist groups killed TFG officials and allies whom they denounced as non-Muslims or apostates.

#### Section IV. U.S. Government Policy

The U.S. Government does not maintain a diplomatic presence, and travel to the country by U.S. government officials is restricted. However, the U.S. Government discusses religious freedom with its contacts in the country and with regional authorities as part of its overall policy to promote human rights.