

Somalia

Somalia's people continue to endure one of the world's worst human rights catastrophes. Hopes of peace following the installation of a new Transitional Federal Government (TFG) under President Sheikh Sharif Ahmed in early 2009 have been dashed. The capital Mogadishu is wracked by indiscriminate warfare in which all parties are implicated in war crimes or other serious human rights abuses. Much of the rest of the country is now under the control of local administrations linked to armed opposition groups. In many of these areas the population has suffered abusive application of Sharia law and forced conscription of civilians, including children, as militia fighters.

A humanitarian crisis of enormous proportions is unfolding, fueled by years of drought and insecurity that has often prevented the effective delivery of aid. Some 3.75 million people—roughly half of Somalia's remaining population—are in urgent need of humanitarian assistance. More than a million people are displaced from their homes within Somalia and tens of thousands fled the country as refugees in 2009.

Indiscriminate Warfare in Mogadishu

In 2009 Mogadishu continued to be torn apart by indiscriminate warfare. Its dwindling civilian population continues to bear the brunt of fighting between armed opposition groups, and the TFG and African Union Mission in Somalia (AMISOM) forces. Ethiopian forces withdrew from Somalia at the end of 2008, leading thousands of people to return to the capital in hope of peace. But many were forced to flee anew when the fighting resumed with familiar patterns of deadly violence.

All parties to the conflict in Mogadishu have been implicated in war crimes in 2009. TFG and opposition forces have both recruited children into the ranks of their fighting forces, though the practice has been more widespread and coercive where practiced by opposition groups. Opposition forces including al-Shabaab and Hizbul Islam have launched regular indiscriminate mortar attacks on areas of Mogadishu under TFG and AMISOM control. The use of civilians as human shields for indiscriminate attacks, often with the apparent intention of attracting reprisals that claim still more civilian lives, is a common opposition

tactic. Hizbul Islam leader Sheikh Hassan Dahir Aweys has publicly acknowledged using civilians as human shields.

On the other side of the lines, the TFG's capacity to field fighting forces in Mogadishu was weak throughout 2009. It relied on notoriously abusive officials such as police chief Abdi Qeybdid, whose forces were responsible for serious human rights abuses throughout 2008. The TFG is almost entirely reliant on the 5,000-strong AMISOM force for its protection and survival. AMISOM forces have come under sustained attack, including deadly suicide bombings, and have on some occasions responded by firing mortars indiscriminately into opposition-controlled neighborhoods, including the area around Bakara market. In February 2009, AMISOM forces were accused of firing indiscriminately into crowds of civilians after coming under attack in Mogadishu. AMISOM opened an inquiry into the incident—the only time it has apparently done so—but no final report was produced.

Abuses in Opposition-Controlled Areas

Most of south-central Somalia was under the control of local administrations linked to al-Shabaab and other opposition groups throughout 2009. A level of peace and stability prevailed in some opposition-controlled areas, but many of their administrations carried out serious abuses against the populations they control.

Al-Shabaab in particular has grown notorious for abusive and often arbitrary applications of Sharia law, which in at least a few cases have seen alleged crimes punished with amputations, beheadings, and, in October 2008 in Kismayo, the stoning to death of a young woman on charges of adultery. Residents of the southern town of El Wak told Human Rights Watch that in early 2009 the local al-Shabaab militia forced women to stop working as tea sellers and also beat women illicitly selling the mild narcotic *qat*, which al-Shabaab has sought to ban.

In some areas al-Shabaab and other opposition groups have forcibly recruited men and boys into militia forces. In Jowhar, for example, al-Shabaab militiamen reportedly press-ganged men into military service in 2009. Many opposition militias include children within their ranks; in at least some parts of Somalia al-Shabaab has deliberately targeted children for recruitment through a mix of promises, threats, and indoctrination.

Attacks on Journalists, Human Rights Defenders, and Humanitarian Workers

Somalia's once-vibrant independent press and civil society have been decimated by violence and threats over the course of the past three years. At least six journalists were

reportedly killed in 2009, some targeted for assassination and others killed by the stray gunfire that has claimed so many civilian lives. TFG and opposition forces alike have been implicated in threats directed at journalists who produce reporting they dislike.

Attacks targeting human rights defenders were much less frequent in 2009 than in 2008. But in part this reflects the fact that many of Somalia's most prominent human rights defenders have fled the country. Those who remain have seen their capacity to operate effectively dramatically diminished by the prevailing insecurity and by specific threats against them.

The delivery of humanitarian assistance to Somalia has been severely hampered by the prevailing insecurity and by threats specifically targeting humanitarian agencies. Most of the humanitarian agencies operating in Somalia have had to dramatically curtail their operations or have been driven out of south-central Somalia altogether. In opposition-controlled areas where millions of Somalis are in need of assistance, humanitarians have come under regular threat by al-Shabaab and other groups who accuse them of colluding with international efforts to back the TFG in its war effort. In October 2009 leaflets circulated in Mogadishu accused hospitals of collaborating with the TFG and threatened them with violence.

Democracy under Threat in Somaliland

The self-declared republic of Somaliland has maintained a remarkable degree of peace and stability since 1991. Despite the fact that its independence has not been recognized by any country in the world, Somaliland laid the foundations for democratic institutions of governance and has held its people apart from the pervasive abuses affecting Somalis further south. But Somaliland's achievements in the areas of governance and human rights are now under threat, largely due to the repeated postponement of a key presidential election originally scheduled for April 2008. Those polls should have consolidated progress toward democracy; their postponement now calls into question the Somaliland government's commitment to democracy and could threaten the territory's stability. Somaliland's government has also failed to address a range of systemic human rights problems such as the government's use of illegal security committees to imprison people, including children, without trial for a range of criminal offenses.

Key International Actors

All too often the involvement of a number of international actors in Somalia has been destructive. Western government and African Union policy has been to provide unequivocal support to Somalia's beleaguered transitional government. To this end the AU has deployed

the AMISOM force of 5,000 Ugandan and Burundian troops to protect key TFG installations and officials in southern Mogadishu, with UN Security Council backing. In 2009 donors pledged over US\$200 million in mostly security sector support to AMISOM and the TFG; at this writing less than one third of that assistance has materialized. The United States government has provided money and bilateral transfers of weapons to the TFG—including mortars, weapons that no side has made any effort to use in accordance with the laws of war. Many of the weapons acquired by the TFG have ended up on the open market.

The strong international backing of the TFG is driven largely by concerns over the links some of al-Shabaab's leaders maintain to al Qaeda. Several hundred foreign fighters, including some Somalis with foreign passports, are estimated to be in Somalia fighting against AMISOM and the TFG alongside al-Shabaab and other groups. At least one and possibly two suicide bombings have been carried out by Somali-Americans in Somalia since the end of 2008—the first time such attacks have ever been carried out by a US citizen.

Ethiopia withdrew its military forces from Somalia at the end of 2008 after a two-year intervention in the country. The Ethiopian military has continued to conduct operations inside Somalia in support of its security interests, but no longer plays a central military role in the conflict. The government of Eritrea continues to play a destructive role in Somalia, funneling arms and other assistance to armed opposition groups with the primary aim of undermining Ethiopia's interests in Somalia.

Kenya and Yemen each host large numbers of Somali refugees. Kenya's desperately overstretched Dadaab refugee camps, built for 90,000 people, are now home to some 300,000 mostly Somali refugees. Negotiations for the land required to build a badly needed new refugee camp near Dadaab stalled in 2009. Yemen's government has generally welcomed the at least 100,000 Somali refugees who reside in the country.