

public services, including access to water for everyday needs, which often had to be sourced from polluted streams, and public taps at petrol stations and cemeteries.

■ In July, the national Ombudsperson issued a special report on the situation of Roma in the south-east of the country. The Ombudsperson called on the authorities to immediately ensure access to water and sanitation for Roma by amending the relevant legislation. During the process to formally adopt the recommendations, the parliament rephrased and considerably weakened some of them.

■ In September, the Governmental Commission for the Protection of the Roma Community concluded that the Roma Act should be amended. Initial discussions focused on the need to include measures to provide access to basic public services.

## SOMALIA

### SOMALI REPUBLIC

Head of state: **Hassan Sheikh Mohamud (replaced Sheikh Sharif Sheikh Ahmed in September)**

Head of government: **Abdi Farah Shirdon Saaid (replaced Abdiweli Mohamed Ali in October)**

Head of Somaliland Republic: **Ahmed Mohamed Mahamoud Silanyo**

**Armed conflict continued between pro-government forces, the African Union Mission in Somalia (AMISOM) and the Islamist armed group al-Shabab, in southern and central Somalia. Pro-government forces took control of a number of key towns from al-Shabab, including the port of Kismayo. Political transition ended the mandate of the Transitional Federal Government (TFG). A new parliament was selected in August, a new president was appointed in September and a new prime minister in October. Thousands of civilians were killed, injured or displaced by armed conflict and generalized violence. Aid agency access remained constrained by fighting, insecurity and restrictions imposed by parties to the conflict. Eighteen journalists were killed; others were attacked, harassed and forced into exile. Humanitarian and human rights workers**

**also remained targets for abuses. Armed groups continued to forcibly recruit people, including children, and to abduct, torture and unlawfully kill people. Serious human rights abuses, including war crimes, remained unpunished. In Somaliland, freedom of expression deteriorated, and one journalist was killed.**

## Background

The TFG and AMISOM remained in control of Somalia's capital, Mogadishu. Clashes with al-Shabab continued throughout the year, but there were fewer reported incidents and civilian casualties. Al-Shabab lost control of a number of key towns, including Baidoa, Afgoye, Merka and Kismayo, but remained in control of large parts of the countryside. Insecurity remained high. Civilians were at risk of indiscriminate fire, direct targeting and suicide attacks.

In July, Kenyan troops were formally incorporated into AMISOM, following their intervention in October 2011. International support for government security forces and allied militias continued, despite their lack of accountability for ongoing, serious human rights abuses.

In July, the UN Monitoring Group highlighted continuous violations of Somalia arms embargoes.

In February, the UN declared an end to famine in Somalia, but warned that a humanitarian crisis remained. By the end of 2012, 31% of the population remained in food crisis and required assistance.

In August, the TFG mandate ended. The 20 August deadline set for the TFG to hand over power to a new, more representative government was delayed several times. The parliament was selected in August and a new president appointed in September. A group of 135 elders was chosen to form a National Constituent Assembly (NCA), which would select 275 new MPs and approve Somalia's new Constitution. The NCA approved the Constitution on 1 August. While it did not amend the document, it made a number of recommendations for the new parliament to consider. The public referendum required to approve the Constitution had not taken place by the end of the year. A Technical Selection Committee (TSC) supported the NCA in vetting prospective MPs. Candidates were assessed according to a range of criteria, including consideration of whether they faced allegations of human rights abuses. The High Court overturned the TSC's decision to reject 16 nominated

MPs because they were alleged warlords. In September, parliament elected Hassan Sheikh Mohamud as President. He defeated the incumbent, Sheikh Sharif Sheikh Ahmed, in a run-off by 190-79 votes. In October, the President appointed Abdi Farah Shirdon Saaid as Prime Minister. Parliament approved his nominated Cabinet of Ministers in November. It included Somalia's first woman Minister of Foreign Affairs.

In January, the state of Khatumo was created, claiming to consist of Sool, Sanag and Ayn regions, and claiming affiliation with the Mogadishu-based government. These regions are subject to disputes over control between Somaliland and Puntland. Clashes between Somaliland armed forces and militias allied to Khatumo state displaced thousands of people.

## **Abuses by parties to the armed conflict**

### **Indiscriminate attacks**

Hundreds of civilians were killed or injured by indiscriminate attacks by all parties to the conflict. Mortar attacks decreased, but some reportedly caused civilian casualties. Shooting and in-fighting between different TFG units and militia, particularly in Mogadishu, killed and injured civilians. So did improvised explosive devices and grenades, increasingly set off by al-Shabab or their sympathizers. Al-Shabab claimed responsibility for suicide attacks that killed or injured hundreds of people. Air strikes – some conducted by Kenya – also killed or injured civilians in southern and central Somalia.

■ On 15 January, air strikes in Jilib killed at least seven people, including five children. No one claimed responsibility for the attack.

■ On 28 March, a mortar attack reportedly targeting pro-government militia landed in the Beerta Darawiishta camp for internally displaced people (IDPs) in Mogadishu, killing three people, including a three-year-old child. Eight others were reportedly seriously injured.

■ In April, suicide attacks in Mogadishu and Baidoa killed at least 22 people. At least 10 people, including the two presidents of Somalia's Olympic Committee and its Football Association, were killed in an attack on the capital's newly reopened National Theatre. In Baidoa, an attack close to a busy market killed at least 12 people and wounded more than 30, including 10 journalists.

## **Direct targeting of civilians**

Civilians remained at risk of being directly targeted in attacks and killings in Mogadishu.

■ On 9 November, Malaq Isaac Uus, one of the traditional elders responsible for selecting new MPs, was shot dead outside a mosque in Waberi district, Mogadishu.

Al-Shabab factions continued to torture and unlawfully kill people they accused of spying or not conforming to their own interpretation of Islamic law. They killed people in public, including by stoning, and carried out amputations and floggings. They also imposed restrictive behavioural codes on women and men.

■ Three men were reportedly shot and killed in public by al-Shabab members in Merka in July. They were accused of spying for the CIA and UK intelligence service MI6, and of being responsible for drone attacks.

■ A woman was abducted and beheaded in August near Baidoa. Days before, al-Shabab had reportedly threatened her to stop her selling tea to government forces in the area.

Extrajudicial executions, arbitrary detention, torture and ill-treatment were reportedly carried out in Baidoa and Beletweyne by militias allied to the government, often in response to ongoing insecurity and attacks by al-Shabab.

■ In August, a deaf man was reportedly shot dead by Ethiopian troops in Baidoa, after he failed to stop when they asked him to.

## **Child soldiers**

Al-Shabab continued to forcibly recruit children before and during military operations. Most were sent to the front line. Militias affiliated to the government were also accused of continuing to recruit and use child soldiers.

In July, the TFG signed an action plan with the UN to end the recruitment and use of children in its own armed forces. Implementation of the plan had not started at the end of 2012, and children remained in their armed forces.

## **Freedom of expression**

Somali journalists and media workers continued to be attacked, harassed and intimidated by parties to the conflict. At least 18 media workers were killed. In November, the President announced the creation of a taskforce to investigate the killings of journalists and

identify the perpetrators. However, no one was appointed to the taskforce and no one had been held accountable at the end of 2012. The Puntland authorities also continued to arbitrarily restrict media freedom.

■ On 28 January, Hassan Osman Abdi (“Fantastic”), director of the Shabelle Media Network, was shot by unknown gunmen. He reportedly died on his way to hospital.

■ On 20 September, three journalists – Abdirahman Yasin Ali, director of Radio Hamar; Abdisatar Daher Sabriye, head of news at Radio Mogadishu; and Liban Ali Nur, head of news for Somali National TV – were killed during a suicide attack on a popular restaurant in Mogadishu. At least 12 other people were killed and dozens injured, including four journalists.

■ On 27 September, the body of Abdirahman Mohamed, who worked for a sports website, was found beheaded close to a livestock market in Mogadishu.

■ On 4 March, Ali Ahmed Abdi, a journalist with Radio Galkayo, was shot dead by unidentified gunmen. Farhan Jemiis Abdulle, a reporter for Radio Daljir, was killed on his way home on 2 May 2012 by two unidentified gunmen. Both journalists were killed in the northern part of Galkayo town, controlled by the Puntland authorities.

■ The Puntland Minister of the Interior closed Radio Horseed in October, accusing it of spreading false news to destabilize Puntland. Horseed Media, owner of Radio Horseed, also had access to its website restricted in areas of Puntland.

## **Internally displaced people, refugees and asylum-seekers**

Fighting, insecurity and acute malnutrition continued to displace hundreds of thousands of people. Almost 1.36 million Somalis were internally displaced in 2012, mostly in southern and central Somalia, according to UNHCR, the UN refugee agency.

IDP camps in Mogadishu continued to grow. There were regular reports of aid being diverted by government officials and camp managers, including from the UN Monitoring Group. Poor security also had an impact on service delivery to the camps. Reports of sexual violence against women and girls continued. IDPs were reportedly forcibly evicted from former government buildings to make way for rehabilitation projects, and from camps close to the airport for security reasons.

■ In February, at least 60,000 people fled from the Afgoye corridor, the road linking Mogadishu with Afgoye town, ahead of an anticipated government and AMISOM offensive to retake Afgoye from al-Shabab.

■ In September, over 10,000 people fled Kismayo ahead of an offensive that captured Kismayo port from al-Shabab.

There were over one million Somali refugees in the region, particularly in Ethiopia and Kenya. In November, Ethiopia’s Dollo Ado refugee complex became the world’s second largest, after Kenya’s Dadaab complex – also for Somali refugees.

## **Restrictions on humanitarian aid**

Humanitarian operations continued to be hampered by fighting, general insecurity and access restrictions.

■ In January, al-Shabab announced a ban on the ICRC from operating in areas under its control. It alleged that the ICRC had handed out unfit food and had accused al-Shabab of blocking aid. Al-Shabab announced a ban on Save the Children in March, accusing it of distributing expired food, corruption and failing to comply with al-Shabab’s rules for aid agencies. On 8 October, al-Shabab announced via Twitter that it was banning Islamic Relief Worldwide.

■ In May, Ahmed Mohamed Noor, a humanitarian worker, was shot and killed by unidentified gunmen outside a mosque after leaving evening prayers in Mursil, close to Baidoa.

## **Death penalty**

In Mogadishu, official government figures stated that four executions were carried out. However, there were indications that at least five executions were carried out. At least 51 death sentences were passed, following military court trials that lacked guarantees of fairness.

In Puntland, seven death sentences were reported and at least one execution was carried out.

## **Somaliland**

Thousands of people were displaced by fighting in eastern Somalia between the Somaliland Army and militias affiliated to the newly created Khatumo state.

Freedom of expression was increasingly curtailed. Dozens of journalists were arbitrarily arrested and detained. Some reported being beaten in custody. One journalist was killed. A traditional elder was

detained for four months for making statements criticizing the government.

■ Ahmed Saakin Farah Ilyas, a journalist for Universal TV, was shot dead by unknown gunmen on 25 October in Las Anod town.

■ Boqor Osman Mohamoud Buurmadow was arrested on 15 March in Hargeisa. He was charged on 24 April with “anti-national activity of a citizen abroad”, “subversive or anti-national propaganda” and “continuing offence” for comments he made in the United Arab Emirates criticizing the President of Somaliland’s visit to China. On 8 July he was convicted and sentenced to one year’s imprisonment for “insulting a public official”, but he was released on 18 July.

## Amnesty International visits/reports

- Somaliland: Release prisoner of conscience (AFR 52/007/2012)
- Somalia: Protection of civilians and human rights are critical for stable future (PRE01/100/2012)
- Somalia: Attacks against journalists must stop (PRE01/112/2012)
- Somalia must end impunity for killing of media workers (PRE01/390/2012)

# SOUTH AFRICA

## REPUBLIC OF SOUTH AFRICA

Head of state and government:

Jacob G. Zuma

**Police use of excessive force against protesters, suspected extrajudicial executions and torture triggered national concern and some steps were taken towards accountability. Discrimination and targeted violence against asylum-seekers and refugees and barriers to accessing the asylum system increased. Progress was slow in addressing systematic hate-motivated violence based on victims’ sexual orientation or gender identity. Despite continued expansion in access to treatment and care for people living with HIV, HIV-related infections remained the main cause of maternal deaths. Human rights defenders remained at risk of harassment and violence.**

## Background

President Zuma was re-elected as President of the African National Congress (ANC) in December. The leadership elections followed months of tension and incidents of violence between contending factions within the party. Apparent political interference, rivalries and corruption led to increased instability at senior levels within the police and crime intelligence, impacting on the integrity and efficiency of services.

Significant court rulings upheld human rights and protected the independence of the prosecution service.

There were widespread strikes in the mining and farming sectors and protests in poor urban communities over local government corruption, failures in education and other services and working conditions. In October, the government released national census data, which revealed continuing significant racial disparities in household incomes and rates of employment.

South Africa ratified the International Covenant on Economic, Social and Cultural Rights.

## Deaths in custody and extrajudicial executions

In April, the Independent Police Investigative Directorate (IPID) Act became operational, making the police liable to criminal charges for failure to co-operate with its investigations. The IPID informed parliament that it had received 720 new cases for investigation of suspicious deaths in custody or in other policing contexts from April 2011 to March 2012.

■ Also in April, a Burundian asylum-seeker, Fistos Ndayishimiye, died while being interrogated by police at his home in KwaZulu-Natal province. Witnesses prevented by police from entering the house reported hearing him screaming for some time. He suffered multiple blunt force injuries to the head and body and severe internal injuries. An investigation was initiated by IPID but had not concluded by year’s end.

■ In May, after numerous delays and obstructions, 12 police officers from the former Bellville South Organized Crime Unit were charged in court with the abduction and murder of Sidwell Mkwambi in 2009 and the abduction and alleged torture of Siyabulela Njova, who had been arrested with him. Sidwell Mkwambi’s body showed multiple blunt force injuries to his head and body, which were inconsistent with the police account of how he died.