

Immigration and Refugee Board of Canada

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Responses to Information Requests

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29 April 2014

SOM104854.E

Somalia: Treatment of non-Muslims, including those who commit apostasy, by society and extremist groups, including al-Shabaab (2013-April 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Treatment of Non-Muslims by Society

According to the US Department of State's *International Religious Freedom Report for 2012*,

[t]here were reports of societal discrimination based on religious affiliation, belief, or practice. Conversion from Islam to another religion remained socially unacceptable. Those suspected of conversion faced harassment by members of their community. (US 20 May 2013)

In correspondence with the Research Directorate, an associate professor in the department of political science and the Institute of Islamic Studies at McGill University, who specializes in the fields of African politics, Islam and politics, ethnic and civil conflicts, among others, stated that

[t]he attitudes to[wards] non-Muslims are very negative because the majority of Somalis are Muslim and quite conservative. Non-Muslim minorities are viewed as outsiders by both the religious Muslim community and the clan structure which is even more important to Somalis. Since the clan structure is linked to Islam, non-Muslims simply do not have a place as part of the dominant community and are shunned or persecuted. (Associate Professor 23 Apr. 2014)

Further or corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Non-Muslims by al-Shabaab

According to the US *International Religious Freedom Report for 2012*,

Al-Shabaab [also spelled al-Shabab] harassed and killed persons suspected of converting from Islam, and maimed and killed those who failed to adhere to its edicts. [...]

Al-Shabaab persecuted minority Somali Christians in areas under its control, including executing suspected converts to Christianity.

Al-Shabaab continued to harass and disrupt the operations of numerous secular and faith-based humanitarian aid organizations, and threatened the lives of and their personnel, accusing them of seeking to convert Somalis to Christianity. (US 20 May 2013)

Christian media sources report that al-Shabaab has been targeting Christians who have spent time in Kenya, which is predominantly Christian (BosNewsLife 1 Apr. 2014; Morning Star News 14 Mar. 2014). BBC indicates that al-Shabaab "often executes people it accuses of being spies or having abandoned Islam" (7 Dec. 2013). Amnesty International (AI) also reports that in 2012 al-Shabaab tortured and unlawfully killed people whom "they accused of spying or not conforming to their own interpretation of Islamic law" (2013, 237). According to Freedom House, in 2013,

[t]he Shabaab has imposed crude versions of Islamic law in areas under its control, banning music, films, certain clothing, and in one area prohibiting men and women from walking together or talking in public. Anyone accused of apostasy risks execution. (Freedom House 2013)

Sources report on the following killings of Christians by al-Shabaab:

- In January 2012, a Christian man was publically executed by al-Shabaab outside Mogadishu after they accused him of working for a banned Christian humanitarian organization (Freedom House 2013);
- In November 2012, al-Shabaab in Barawa [also spelled Berava] reportedly beheaded a man after accusing him of leaving Islam (Morning Star News 4 Mar. 2013), of being a spy (ibid.; US 20 May 2013, 5) and of being a convert to Christianity (ibid.);
- Morning Star News, a US-based "independent news service focusing exclusively on the persecution of Christians" (n.d.), reported that on 8 December 2012 in Beledweyne, north of Mogadishu, a Christian man was reportedly killed by two masked men for leaving Islam (Morning Star News 4 Mar. 2013). According to the source, there is "no indication" that the killers belonged to the al-Shabaab, but members of al-Shabaab were present in Buulodbarde, which is 20 kilometres away from Beledweyne, and "Christians believed [that] a few Al Shabaab rebels could have been hiding in Beledweyne" (ibid.).
- Morning Star News reports that two masked men who were suspected of being members of al-Shabaab killed a Christian man in Alanley village near city of Kismayo on 18 February 2013 (4 Mar. 2013). The same source reports that members of al-Shabaab reportedly suspected that the man was a Christian and "guilty of 'apostasy' or leaving Islam" (Morning Star News 4 Mar. 2013).
- In June 2013, al-Shabaab insurgents reportedly publicly shot a Christian man to death in Jamaame District in southern Somalia, according to Morning Star News (Morning Star News 14 Nov. 2013).
- In October 2013, a Christian man was killed in Mogadishu by unidentified attackers "for spreading his faith," according to Morning Star News (ibid.).
- In March 2014, two Christian women were reportedly publicly beheaded in Barawa, southeastern Somalia, by members of al-Shabaab after extremists discovered that the women were Christians (ibid. 14 Mar. 2014; BosNewsLife 1 Apr. 2014). Before killing the women, sources report that a member of Al-Shabaab announced, "[w]e know these two people are Christians who recently came back from Kenya - we want to wipe out any underground Christians living inside of mujahidin [jihadists] area" (ibid.; Morning Star News 14 Mar. 2014).

Further or corroborating information for these incidents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For more information on al-Shabaab, its leadership, areas of control and incidents of violence, please refer to Response to Information Request SOM104662.

3. Legislation and State Protection

Freedom House reports in 2013 that "Somalia's new constitution ... recognize[s] Islam as the official religion, though the constitution does include religious freedom clauses" (2013). A June 2012 draft version of the federal constitution states in Article 2 that

1. Islam is the religion of the State.
2. No religion other than Islam can be propagated in the country.
3. No law which is not compliant with the general principles of Shari'ah can be enacted. (Somalia 2012, Art. 2)

Article 17 on freedom of religion and belief indicates that

1. Every person is free to practice his or her religion.
2. No religion other than Islam can be propagated in the Federal Republic of Somalia. (ibid., Art. 17)

According to the *International Religious Freedom Report for 2012*, Puntland and Somaliland regions each have their own constitutions, and both prohibit apostasy and the propagation of other religions than Islam (US 20 May 2013).

The US *International Religious Freedom Report for 2012* states that the Penal Code is applicable to all regions of the country, and "does not prohibit conversion from Islam, but criminalizes blasphemy and defamation of Islam, which carry fines of up to two years in prison" (US 20 May 2013). Article 313 of the Penal Code, which was approved in December 1962 and came into force on 3 April 1964, states

1. Whoever publicly brings the religion of Islam ... into contempt shall be punished with imprisonment ... up to two years.
2. Whoever publicly insults the religion of Islam ... by bringing into contempt persons professing it or places or objects dedicated to worship, shall be liable to the same punishment. (Somalia 1964, Art. 313)

According to the Associate Professor, the police are "not effective and are not interested in combating crimes against non-Muslims" (23 Apr. 2014). The US Department of State's *Country Reports on Human Rights Practices for 2013* also states that "police were generally ineffective" (US 27 Feb. 2014, 6). The Associate Professor further stated that "[l]egal institutions are very underdeveloped and are guided by Islamic Sharia law and not civil or criminal codes that can effectively punish those who commit crimes against non-Muslims" (23 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful within the time constraints of this Response: academics of the African Studies Center, University of Pennsylvania, Max Planck Institute for Social Anthropology and Syracuse University College of Law; African Studies, University of Toronto; CONCERN Worldwide; Heritage Institute for Policy Studies in Mogadishu; Institute of African Studies and Department of Sociology and Anthropology, Carleton University; Somali Think Tank.

Internet sites, including: African Arguments; African Studies Center, University of Pennsylvania; African Studies, University of Toronto; Al Jazeera; AllAfrica; *The Christian Post*; Human Rights Watch; Institute of African Studies and Department of Sociology and Anthropology, Carleton University; Heritage Institute for Policy Studies; Institute for the Study of International Development, McGill University; Minority Rights Group International; News24; Norwegian Country of Origin Information Centre; Refugees International; Somalia – Ministry of Information, Posts and Telecommunication; Official Website of the Somali Government; Small Arms Survey; Somali Canadian Association of Etobicoke; Somali Current; United Kingdom – Home Office; United Nations – Refworld; United States – Central Intelligence Agency; World Watch Monitor.

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