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Somalia: Unlawful killings and torture demonstrate Al Shabaab's contempt for the lives of civilians

Amnesty International today condemned the rising pattern of unlawful killings, torture and other ill-treatment, including stoning to death, amputations and floggings, carried out in public by Al Shabaab armed groups in areas under their control.

On 17 November, a woman was buried to her waist and stoned to death in a village close to Wajid in the Bakool region, while a man accused with her of committing "adultery" was given 100 lashes, the media reported. Her killing and the flogging were reportedly ordered by a "judge" working for Al Shabaab.

This follows the stoning to death on 6 November of a man named Abas Hussein Abdirahman in the city of Merka, controlled by Al Shabaab since November 2008. An Al Shabaab spokesperson said that the woman accused with Abas Hussein Abdirahman of "adultery" would also be stoned to death once she has given birth. Information received by Amnesty International indicates that the woman is 32 years old, about six months pregnant and lives in the Afgoye district.

Amnesty International urges Al Shabaab not to carry out the killing of this woman. All armed factions and religious leaders associated with Al Shabaab should immediately stop committing or ordering unlawful killings, torture and other ill-treatment, in all areas under their control. Stoning to death is both an act of murder and torture, which are crimes under international law. Armed opposition groups engaged in internal armed conflict, such as Al Shabaab in Somalia, are obliged to respect international humanitarian law, which prohibits, *inter alia*, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture". (Common Article 3 to the Geneva Conventions).

Al Shabaab spokespeople have claimed that such acts are committed in order to enforce their own interpretation of Islamic law (shari'a) in the areas they control. Some of these acts of torture and killings have been ordered by "Al Shabaab courts", which seem to be quasi-judicial bodies charged with dispensing "justice" in Al Shabaab controlled areas. Such acts are contrary to international humanitarian law, which prohibits "the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court" (Common Article 3 to the Geneva Conventions.)

Little is known about the proceedings of "Al-Shabaab courts", since no independent observer has been able to watch them. However, people tried in such "courts" do not appear to benefit from any due process guarantees, including legal representation or possibility of appeal.

In October 2008, members of Al Shabaab in Kismayo stoned to death a 13-year-old girl who was raped by three men. Al Shabaab claimed that she was in her twenties and had committed "adultery". The unlawfulness and arbitrariness of such "courts" and their apparent links with Al Shabaab place civilians living under the control of Al Shabaab at serious risk of being tortured and unlawfully killed.

In recent months, members of Al Shabaab have also carried out public executions of individuals accused of collaborating with the Transitional Federal Government (TFG). On 28

September, an Al Shabaab firing squad shot dead two young men in Masla, near the livestock market in northern Mogadishu, in front of a crowd of residents. They accused the two men, Hasan Moalim Abdulahi and Mohamed Ali Salad, of spying for the US Government, the TFG and the African Union Mission in Somalia (AMISOM). On 25 October, they also shot dead two other young men in Merka, claiming that they had “confessed” to spying against them. Both sets of unlawful killings appear to have been committed in retaliation for a reported US helicopter attack on 14 September, which reportedly killed suspected Al Shabaab and Al Qa’ida member Saleh Ali Saleh Nabhan.

Al Shabaab armed groups have taken advantage of the breakdown of the rule of law in south and central Somalia. The country lacks an effective justice system since the state effectively collapsed in 1991. Al Shabaab claim that their actions are intent on restoring law and order in Somalia. However, the actions of Al Shabaab groups and other allied armed opposition groups have on the contrary seriously undermined the security of civilians. They have conducted indiscriminate attacks and attacked their opponents from the cover of residential areas, for example in Mogadishu, and thus placed civilians at risk of the effects of the attacks. They have looted compounds and closed operations of aid agencies, and made threatening statements against them, restricting humanitarian aid on which some 3.7 million civilians depend. They have also intimidated journalists and civil society activists, who are reporting on the plight of civilians in a country devastated by conflict.

Somali and international observers strongly suspect members of Al Shabaab and allied armed groups to be behind some targeted killings of journalists and humanitarian workers in the past three years. Since the beginning of 2007, at least nine journalists have been killed in targeted killings. Of these, seven were shot dead by unidentified gunmen, making it difficult to ascertain the identity of the perpetrators of such targeted killings. However, in some cases, journalists had received death threats from people saying they were Al Shabaab members prior to being killed, and some of the killings were committed in areas controlled by Al Shabaab, including the Bakara market in Mogadishu. No one has been held accountable for such killings. While Al Shabaab spokespeople have denied involvement in some killings, Al Shabaab leaders have failed to publicly condemn attacks against journalists and order them to stop. Al Shabaab leaders do not seem to have taken any action to suspend from its forces people suspected to have committed or ordered such crimes.

Members of Al Shabaab almost invariably carry out executions, floggings and amputations in public, inviting the local population to watch. This suggests an intention, under the pretext of maintaining law and order, to assert their control over territory through public displays of cruelty and violence aimed at intimidating and instilling fear in the civilian population.

The human rights situation continues to deteriorate in Somalia. Civilians continue to be killed and injured in indiscriminate or direct attacks by all parties to the conflict, to be forcibly displaced en masse and to be denied access to essential humanitarian aid. More and more frequently they are also at risk of being executed and subjected to forms of torture by members of armed groups who assert their control on the population by showing utter disregard for human life.

Background

Al Shabaab controls at present vast areas of south and central Somalia, including major cities such as Merka, Kismayo and Baidoa, as well as districts of the capital Mogadishu. The internationally-backed TFG of Somalia exercises authority only in part of the capital, is repeatedly attacked by armed groups and has not been able to establish a national justice system. After the government of Siad Barre was ousted in 1991, Somali elders were often administering “justice”, using customary and shari’a law as a basis, in the absence of a functioning state judiciary.

Al Shabaab armed groups have grown out of the Islamic Courts Union, a movement that temporarily established control over Mogadishu and other areas in 2006. The Islamic Courts

Union was credited by some civilians with bringing some security and order in many areas formerly subjected to the will of armed groups, militia and clan leaders. The Islamic Courts Union were militarily defeated by Ethiopian troops who intervened in Somalia in late 2006 to assist the Transitional Federal Government. During such military operations, numerous violations of international human rights and humanitarian law were carried out by Ethiopian and TFG troops.

After Sheikh Sharif Sheikh Ahmed, a former Islamic Courts Union leader, was appointed as President of the TFG in January 2009, the Transitional Federal Parliament adopted shari'a as a basis for the law in the country. Al Shabaab rejected the TFG adoption of shari'a, claiming that the TFG is allied to Western nations.

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