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Human Rights Watch

Somalia: New Al-Shabaab Attacks are War Crimes ^[1]

No Justification for Bombing Courthouse, Aid Workers' Convoy

April 16, 2013

The attack on the court consisted of a suicide bombing followed by additional explosions, and several assailants stormed the court complex shooting live rounds. Shortly afterward a car bomb detonated hitting several cars carrying Turkish aid workers on the airport road several kilometers from the court complex. An al-Shabaab spokesman who claimed responsibility for the attacks told the media that the court was a legitimate military target as they were ruling contrary to Sharia, or Islamic law.

"Al-Shabaab's attacks on a courthouse and aid workers' convoy show utter disregard for civilian life," said Leslie Lefkow ^[2], deputy Africa director. "The laws of war protect all civilians and civilian buildings from attack, and courthouses are no exception."

The laws of war, which are applicable in Somalia ^[3], protect civilians and civilian objects from deliberate attack. Government buildings, such as courthouses, that are not being used for military purposes are protected civilian objects. Aid workers are also protected as civilians. People who order or commit deliberate attacks on civilians or civilian objects are responsible for war crimes, Human Rights Watch said.

The number of fatalities from the attacks has continued to rise. Medina Hospital, one of the city's main hospitals, told Human Rights Watch that it received at least 18 bodies and 4 people died at the hospital. International and Somali media reported that at least 30 people died and dozens were wounded.

Among those killed when the assailants opened fire inside the court complex were respected lawyers Professor Mohamed Mohamud Afrah, the head of the Somali Lawyers Association, and Abdikarin Hassan Gorod. Afrah and Gorod had recently represented a woman who faced criminal charges after she alleged that she had been raped by government forces. They also represented a journalist who had interviewed the woman, and also faced charges in a politically motivated trial ^[4] that received international attention. During the trial, court officials threatened to withdraw Afrah's law license, though these threats never materialized.

"Throughout the high-profile trial, Afrah and Gorod showed the utmost commitment to

defending their clients, despite the serious personal risks involved," Lefkow said. "Their deaths are a tragedy for their families, colleagues, and for all Somali victims of abuse who are often unable to afford legal help."

A regional court judge, another lawyer, a judicial media advisor, and court security guards were also among the dead.

While al-Shabaab withdrew from much of Mogadishu in August 2011, it has continued to conduct deliberate or indiscriminate attacks against civilians. In 2012 it carried out several high-profile suicide bombings, including one at a popular restaurant on September 20 that killed at least 18 people, three of them journalists. Outside of the capital large areas of south-central Somalia remain under control of al-Shabaab, which imposes harsh restrictions on basic rights and administers arbitrary justice against the population of these areas.

The April 14 attack is not the first targeting justice officials. According to the United Nations, at least nine judges and prosecutors have been killed in south-central Somalia since 2007. The attacks came a week after a government-sponsored judicial reform conference in Mogadishu that was part of groundwork for the May 7 London donors' conference for Somalia. Ensuring the safety of Somali legal professionals, including judges and lawyers, should be an important part of the judicial reform agenda.

"The current focus on judicial reform in Somalia is critical," Lefkow said. "Crucial to these reforms is ensuring that judges and lawyers have the protection they require to do their jobs."

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[3] <http://www.hrw.org/africa/somalia>

[4] <http://www.hrw.org/news/2013/03/03/somalia-woman-alleging-rape-cleared-journalist-convicted>

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